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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* JAMIE BATMANGLIDJ, NEILL KIPP,  
JUSTIN RIGGERT, and JOSEPH KIOK<sup>1</sup>

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Appeal 2018-007533  
Application 14/730,869  
Technology Center 2400

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Before JAMES R. HUGHES, JENNIFER L. McKEOWN, and  
JESSICA C. KAISER, *Administrative Patent Judges*.

HUGHES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's decision rejecting claims 1–6 and 8–21. Claim 7 has been canceled. *See* Final Act. 1; Appeal Br. 1.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> Comcast Cable Communications, LLC. (“Appellant”) is the applicant as provided in 37 C.F.R. § 1.46 and is identified as the real party in interest. Appeal Br. 1.

<sup>2</sup> We refer to Appellants' Specification (“Spec.”) filed June 4, 2015; Appeal Brief (“Appeal Br.”) filed Jan. 22, 2018; and Reply Brief (“Reply Br.”) filed July 16, 2018. We also refer to the Examiner's Final Office Action (“Final Act.”) mailed July 13, 2017; and Answer (“Ans.”) mailed May 14, 2018.

*Appellant's Invention*

The invention relates to buffering video streams, separating the buffered video into content segments, and extracting text data, such as closed caption information, from the content segments. *See* Abstract; Spec. ¶¶ 1–5.

*Representative Claim*

Independent claim 1, reproduced below, further illustrates the invention:

1. A method comprising:

buffering content from a plurality of linear video streams into a buffer as a plurality of content segments, wherein each of the plurality of content segments is associated with a respective time index;

extracting text data from the plurality of content segments in the buffer, wherein the text data comprises closed captioning data;

associating one or more of the plurality of content segments with one or more portions of the extracted text data based on the respective time index of each of the plurality of text segments;

identifying one or more of the plurality of content segments in response to a query comprising a text string and a time range within a duration of the plurality of content segments; and

providing an interface facilitating a selection from one or more of the plurality of linear video streams corresponding to the identified one or more of the plurality of content segments responsive to the query.

Appeal Br. 11 (Claim App.).

*Rejections on Appeal*<sup>3</sup>

1. The Examiner rejects claims 1–6 and 9–20 under 35 U.S.C. § 103 as being unpatentable over Menard *et al.* (US 6,061,056; issued May 9, 2000) (“Menard”) and Pratt *et al.* (US 2012/0249474 A1; published Oct. 4, 2012) (“Pratt”), and Ruiz-Velasco *et al.* (US 2010/0162313 A1; published June 24, 2010) (“Ruiz-Velasco”). *See* Final Act. 4–9.

2. The Examiner rejects claims 10 and 17 under 35 U.S.C. § 103 as being unpatentable over Menard, Ruiz-Velasco, and Mohr (US 7,712,117 B2; issued May 4, 2010). *See* Final Act. 10.

3. The Examiner rejects claim 11 under 35 U.S.C. § 103 as being unpatentable over Menard, Ruiz-Velasco, and Logan *et al.* (US 2003/0093790 A1; published May 15, 2003) (“Logan”). *See* Final Act. 10–11.

4. The Examiner rejects claims 14 and 20 under 35 U.S.C. § 103 as being unpatentable over Menard, Ruiz-Velasco, and Chen *et al.* (US 2016/0014482 A1; published Jan. 14, 2016 (filed July 13, 2015, claiming benefit of US 62/024,422, filed July 14, 2014)) (“Chen”). *See* Final Act. 11–12.

5. The Examiner rejects claim 21 under 35 U.S.C. § 103 as being unpatentable over Menard, Ruiz-Velasco, and Birnbaum *et al.* (US 2016/0149956 A1; published May 26, 2016 (filed Nov. 20, 2015, claiming

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<sup>3</sup> The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (2011), amended 35 U.S.C. § 103, e.g., to rename 35 U.S.C. § 103’s subsections. Because the present application has an effective filing date (June 4, 2015) later than the AIA’s effective date for applications (March 16, 2013), this decision refers to the AIA versions of 35 U.S.C. § 103.

benefit of US 62/082,720, filed Nov. 21, 2014)) (“Birnbaum”). *See* Final Act. 12–13.

## ISSUE

Based upon our review of the record, Appellant’s contentions, and the Examiner’s findings and conclusions, the issue before us follows:

Did the Examiner err in concluding that Menard and Ruiz-Velasco collectively would have taught or suggested “providing an interface facilitating a selection from one or more of the plurality of linear video streams corresponding to the identified one or more of the plurality of content segments responsive to the query,” where the query comprises “a text string and a time range within a duration of the plurality of content segments,” within the meaning of Appellant’s claim 1 and the commensurate limitations of claims 8 and 16?

## ANALYSIS

### *Obviousness Rejection of Claims 1–6, 8, 9, 12, 13, 15, 16, 18, and 19*

The Examiner rejects independent claim 1 (and independent claims 8 and 16, as well as dependent claims 2–6, 9, 12, 13, 15, 18, and 19) as being obvious in view of Menard and Ruiz-Velasco based on claim 1. *See* Final Act. 4–9; Ans. 11–16. The Examiner cites Menard as teaching most aspects of the claim, including: (1) “a query comprising a text string and a time range within a duration of the plurality of content segments” (Final Act. 5) and (2) “an interface facilitating a selection from one or more of the plurality of live video streams corresponding to the identified one or more of the plurality of content segments responsive to the query” (Final Act. 5), and relies on Ruiz-Velasco to teach “a system that receives live content and/or

recorded content that divides the content in segments for a chapter navigation while the content is being received in real-time” (Final Act. 6). *See* Final Act. 4–9; Ans. 11–16. (citing Menard, col. 9, ll. 13–28; Figs. 12 and 13; Ruiz-Velasco Abstract; ¶¶ 18, 34).

Appellant contends that Menard and Ruiz-Velasco do not teach the disputed limitations of claim 1. *See* Appeal Br. 4–8; Reply Br. 2. Specifically, Appellant contends that “the cited portions of Menard are silent as to any ‘selection from one or more of the plurality of linear video streams’” (Appeal Br. 6 (emphasis omitted)) and “Menard does not . . . relate at all to searching and presenting linear video streams, and . . . Ruiz-Velasco does not relate in any way to extracting text from video to perform a search of linear video streams” (Appeal Br. 7(emphasis omitted)). *See* Appeal Br. 5–8.

We agree with Appellant’s arguments that Menard and Ruiz-Velasco (either alone or in combination with one another) do not teach or suggest the query (searching) aspect of the disputed limitations—“a query comprising a text string and a time range within a duration of the plurality of content segments” (claim 1). *See* Appeal Br. 5–8.

Menard generally describes an interface (*see* Fig. 13), and also generally describes a text query and video segment selection (*see* col. 7, ll. 30–38; Fig. 7). Although Menard describes a text query and an interface, the Examiner cited portions of Menard do not describe the query including a time component (a time range within a duration of the plurality of content segments), or making a selection of a video stream responsive to such a query.

The Examiner, in the Examiner’s Answer, explains that “Menard teaches a system that allows users to query and search video streams . . . to identify portions that include queried keywords.” Ans. 11 (citing col. 7, ll. 27–38; col. 9, ll. 13–28; Figs. 12 and 13). The cited portions of Menard, however, do not suggest a query including a time range and do not suggest associating stored video segments with corresponding video streams (to be selected).

The Examiner does not sufficiently explain how the combination of Menard and Ruiz-Velasco at least suggests the disputed query aspect of Appellant’s claim and subsequent selection of a linear video stream corresponding to an identified content segment that is identified responsive to the query. Without further explanation, we are left to speculate as to how Menard (in combination with Ruiz-Velasco) describes the disputed features of Appellant’s claim 1.

Consequently, we are constrained by the record to find that the Examiner erred in concluding Menard and Ruiz-Velasco teach the query and selection features of Appellant’s claim 1. Independent claims 8 and 16 include limitations of commensurate scope. Dependent claims 2–6, 9, 12, 13, 15, 18, and 19 depend from and stand with claims 1, 8, and 16, respectively. Accordingly, we do not sustain the Examiner’s obviousness rejection of claims 1–6, 8, 9, 12, 13, 15, 16, 18, and 19.

*Obviousness Rejections of Claims 10, 11, 14, 17, 20, and 21*

The Examiner rejects dependent claims 10 and 17 as being unpatentable over Menard, Ruiz-Velasco, and Mohr. *See* Final Act. 10. The Examiner rejects dependent claim 11 as being unpatentable over Menard, Ruiz-Velasco, and Logan. *See* Final Act. 10–11. The Examiner

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rejects dependent claims 14 and 20 as being unpatentable over Menard, Ruiz-Velasco, and Chen. *See* Final Act. 11–12. The Examiner rejects dependent claim 21 as being unpatentable over Menard, Ruiz-Velasco, and Birnbaum. *See* Final Act. 12–13.

The Examiner has not established on this record that the additionally cited Mohr, Logan, Chen, and Birnbaum references overcome or cure the aforementioned deficiency of Menard and Ruiz-Velasco. Dependent claims 10, 11, 14, 17, 20, and 21 depend from claims 8 and 16, respectively. Accordingly, we do not sustain the Examiner’s obviousness rejections of claims 10, 11, 14, 17, 20, and 21 for the same reasons as claim 1 (*supra*).

#### CONCLUSION

Appellant has shown that the Examiner erred in rejecting claims 1–6 and 8–21 under 35 U.S.C. § 103.

#### DECISION

We reverse the Examiner’s rejections of claims 1–6 and 8–21.

REVERSED