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14/935,791	11/09/2015	Martin R. Picco	HRMC.P928CON	4716
102107	7590	02/27/2020	EXAMINER	
Brokaw Patent Law, PC 101 Church Street, Suite 50 Los Gatos, CA 95030			SAINT CYR, JEAN D	
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chris@brokawpatentlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARTIN R. PICCO, NOAM KOREN,
RAZ NITZAN, GUO FENG HUANG, and ILAN BEN-ZEEV

Appeal 2019-001030
Application 14/935,791
Technology Center 2400

Before KRISTEN L. DROESCH, JOHN P. PINKERTON, and BETH Z.
SHAW, *Administrative Patent Judges*.

SHAW, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellant requests rehearing (“Request”) under 37 C.F.R. §
47.52(a)(1) (2013) of our Decision on Appeal mailed October 25, 2019
 (“Decision”). The Decision:

affirmed the decision of the Examiner to reject claims 32–40 and 42–
50 under 35 U.S.C. 102; and

affirmed the decision of the Examiner to reject claims 41 and 51 under
35 U.S.C. 103.

We reconsider our decision in light of Appellant’s Request for
Rehearing.

Appellant contends we misapprehended or overlooked certain points when we affirmed the Examiner’s rejections. Request 2–11. In particular, Appellant points out, and we agree, that the 200 OK message of Einarsson, and in particular, the SDP file discussed in paragraph 41 of Einarsson, is not an executable file. Request 8. Appellant made this argument in the Appeal Brief at pages 19–20. Thus, we agree that the 200 OK message does not disclose “a script executable by the client device, the script operable to transmit codes toward the head-end equipment in response to and indicative of user selection among navigational choices,” as recited in claim 32.

For the foregoing reason, we do not sustain the Examiner’s anticipation rejection of independent claim 32, as well as independent claim 42, which contains the same limitation at issue. For the same reasons, we do not sustain the Examiner’s rejections of dependent claims 33–41 and 43–51, which depend from either claim 32 or 42.

CONCLUSION

We have reconsidered our Decision in light of Appellant’s Request. We now REVERSE the rejections of claims 32–51.

In summary:

Outcome of Decision on Rehearing:

Claims Rejected	35 U.S.C. §	Basis	Denied	Granted
32–40, 42–50	102	Einarsson		32–40, 42–50
41, 51	103	Einarsson		41, 51
Overall Outcome				32–51

Appeal 2019-001030
Application 14/935,791

Final Outcome of Appeal after Rehearing:

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
32–40, 42–50	102	Einarsson		32–40, 42–50
41, 51	103	Einarsson		41, 51
Overall Outcome				32–51

DECISION

Appellant’s request for rehearing is granted.

GRANTED