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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GREGORY GREENE

Appeal 2019-001094
Application 14/717,190
Technology Center 2400

BEFORE JASON V. MORGAN, MICHAEL J. STRAUSS, and
JEREMY J. CURCURI, *Administrative Patent Judges*.

CURCURI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1, 3–11, 13–17. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as EchoStar Technologies L.L.C. Appeal Br. 1.

CLAIMED SUBJECT MATTER

The claims are directed to “trick function viewing of media content.”

Title. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for presentation control of media content, the method comprising:

receiving, at a media device, the media content that is currently received in a broadcasted media content stream;

presenting, on a display, a first presentation area, wherein the first presentation area presents a video portion of the media content;

receiving, at the media device, a user command that initiates a video presentation trick function; and

presenting, on the display and in response to the user command, a second presentation area, wherein the second presentation area presents a smaller-sized version of the video portion of the media content in accordance with the video presentation trick function,

wherein the first presentation area and the second presentation area are concurrently presented on the display.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Ubillos	US 2008/0152299 A1	June 26, 2008
Haj-khalil	US 2009/0228922 A1	Sep. 10, 2009
Beyabani	US 2009/0307731 A1	Dec. 10, 2009
Oughriss	US 2014/0118616 A1	May 1, 2014
Kang	US 2015/0101001 A1	Apr. 9, 2015

REJECTIONS

Claims 1, 3, 4, 6, and 11 are rejected under 35 U.S.C. § 103 as obvious over Haj-khalil and Ubillos. Final Act. 3–11.

Claims 5, 8, 9, and 16 are rejected under 35 U.S.C. § 103 as obvious over Haj-khalil, Ubillos, and Beyabani. Final Act. 11–18; *see also* Ans. 3 (withdrawing rejection of claim 2).

Claims 7 and 17 are rejected under 35 U.S.C. § 103 as obvious over Haj-khalil, Ubillos, and Oughriss. Final Act. 18–21.

Claim 10 is rejected under 35 U.S.C. § 103 as obvious over Haj-khalil, Ubillos, and Kang. Final Act. 21–23.

Claims 13–15 are rejected under 35 U.S.C. § 103 as obvious over Haj-khalil, Ubillos, Kang, and Beyabani. Final Act. 23–29; *see also* Ans. 3 (withdrawing rejection of claim 12).

OPINION

The Obviousness Rejection of Claims 1, 3, 4, 6, and 11 over Haj-khalil and Ubillos

The Examiner finds Haj-khalil and Ubillos teach all limitations of claim 1. Final Act. 3–11. In particular, the Examiner finds Haj-khalil teaches all limitations of claim 1 except for “wherein the second presentation area presents a smaller-sized version of the video portion of the media content in

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accordance with the video presentation trick function,” as recited in claim 1. Final Act. 3–4. The Examiner finds Ubillos teaches “wherein the second presentation area presents a smaller-sized version of the video portion of the media content in accordance with the video presentation trick function,” as recited in claim 1. Final Act. 5 (citing ¶¶ 46–49, Figs. 2A–4E).

The Examiner reasons

it would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which said subject matter pertains to and to modify the apparatus and method of Haj-Khalil et al. to include wherein the second presentation area presents a smaller-sized version of the video portion of the media content in accordance with the video presentation trick function as taught by Ubillos for the advantage of previewing a frame in the preview pane.

Final Act. 5.

Appellant presents the following principal arguments:

[i.] Appellant proffers that when the *Ubillos* scrubbing process is added into the *Haj-Khalil* system to create the modified *Haj-Khalil* system, the smaller presentation area with the time line in the modified *Haj-Khalil* system **will always be the same** as the larger image in the modified *Haj-Khalil* system (because that is simply how the *Ubillos* scrubbing process works).

Appeal Br. 10–11; *see also* Appeal Br. 11 (“since [in claims 1 and 11] presentation under the trick function operation shown in the smaller second presentation area will necessarily be different from the media content event presented in the first presentation area, embodiments defined by Claims 1 and 11 will be different from the modified *Haj-Khalil* system”), Reply Br. 11–12.

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[ii.] [E]ven if one skilled in the art could separate the smaller *Ubillos* presentation area with the time line from the larger *Ubillos* preview pane 112 so that *only* the smaller presentation area with the time line can be separately used to modify the *Haj-Khalil* system, the resultant smaller presentation area with the time line would no longer be a trick function.

Appeal Br. 14; *see also* Reply Br. 15.

[iii.] Appellant contends that one skilled in the art would not be motivated to simply pick out the smaller presentation area with the time line from the larger preview pane 112 because the disclosure on *Ubillos*, on the whole, is directed to using the *Ubillos* larger preview pane 112 in concert with the *Ubillos* smaller presentation area with the time line so as to facilitate review of a stream of media content.

Appeal Br. 15; *see also* Reply Br. 16–17.

We are not persuaded of reversible error in the Examiner’s findings.
We concur with the Examiner’s conclusion of obviousness.

We agree with and adopt as our own the Examiner’s explanation of the proposed combination given in the Examiner’s Answer:

[The] Examiner states the combination of Haj-Khalil in view of *Ubillos* will result in for instance in the example of the football content, that the football content is 1) **paused** showing the player almost scoring, and then 2) the paused football is able to perform trick play functions (i.e., go back and forth) to show the **zoomed** picture of the player almost scoring and 3) scrubbing the zoomed picture to provide the **small box** of the player almost scoring (i.e., second presentation area presenting smaller-sized version of the video portion of the media content in accordance with the video presentation trick function).

Ans. 10.

Appellant’s arguments do not show any error because these arguments are not addressing the Examiner’s proposed combination.

Appellant's argument (i) assumes that Haj-Khalil, when modified, would have Ubillos's time line in the smaller presentation area and have Ubillos's preview pane in the larger presentation area. *See* Appeal Br. 10; *see also* Reply Br. 11. According to Appellant, such a resultant combination would fail to teach the currently received media content in the first presentation area with a smaller-sized version in accordance with the video presentation trick function presented in the second area. *Id.* This argument is unpersuasive because it fails to address the Examiner's proffered combination of the references. Ans. 10. In particular, we find that modifying Haj-Khalil, in light of Ubillos's teaching of a trick function (scrubbing) would result in the small presentation area in Haj-Khalil allowing the zoomed picture to be presented in accordance with the video presentation trick function (scrubbing), while keeping the large image paused (presenting a video portion of the media content). *See* Ans. 10.

Similarly, Appellant's argument (ii) argues that modifying only the smaller presentation area in Haj-Khalil would no longer provide a trick function. *See* Appeal Br. 13; *see also* Reply Br. 15. Again, contrary to this argument, we find that the combined teachings of the references suggest modifying Haj-Khalil, in light of Ubillos's teaching of trick function (scrubbing), such that the small presentation area in Haj-Khalil allows the zoomed picture to be presented in accordance with the video presentation trick function (scrubbing), while keeping the large image paused (presenting a video portion of the media content). *See* Ans. 10.

Appellant's argument (iii) also does not show any error because the argument assumes that only the time line from Ubillos is used in the combination. *See* Appeal Br. 15; *see also* Reply Br. 16–17. Again, contrary to this argument, we find that the combined teachings of the references

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suggest modifying Haj-Khalil, in light of Ubillos's teaching of trick function (scrubbing), such that the small presentation area in Haj-Khalil allows the zoomed picture to be presented in accordance with the video presentation trick function (scrubbing), while keeping the large image paused (presenting a video portion of the media content). *See* Ans. 10.

We, therefore, sustain the Examiner's rejection of claim 1. We also sustain the Examiner's rejection of claims 3, 4, 6, and 11, which are not separately argued with particularity.

The Obviousness Rejection of Claims 5, 8, 9, and 16 over Haj-khalil, Ubillos, and Beyabani

Appellant does not present separate arguments for claims 5, 8, 9, and 16. *See* Appeal Br. 4–19; *see also* Reply Br. 5–18.

We, therefore, sustain the Examiner's rejection of claims 5, 8, 9, and 16.

The Obviousness Rejection of Claims 7 and 17 over Haj-khalil, Ubillos, and Oughriss

Appellant does not present separate arguments for claims 7 and 17. *See* Appeal Br. 4–19; *see also* Reply Br. 5–18.

We, therefore, sustain the Examiner's rejection of claims 7 and 17.

The Obviousness Rejection of Claim 10 over Haj-khalil, Ubillos, and Kang

Appellant does not present separate arguments for claim 10. *See* Appeal Br. 4–19; *see also* Reply Br. 5–18.

We, therefore, sustain the Examiner's rejection of claim 10.

The Obviousness Rejection of Claims 13–15 over Haj-khalil, Ubillos, Kang, and Beyabani

Claims 13–15 depend from claim 12, which does not stand rejected.

See Ans. 3–4.

We, therefore, do not sustain the Examiner’s rejection of claims 13–15.

CONCLUSION

The Examiner’s rejections are affirmed-in-part.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1, 3, 4, 6, 11	103	Haj-khalil, Ubillos	1, 3, 4, 6, 11	
5, 8, 9, 16	103	Haj-khalil, Ubillos, Beyabani	5, 8, 9, 16	
7, 17	103	Haj-khalil, Ubillos, Oughriss	7, 17	
10	103	Haj-khalil, Ubillos, Kang	10	
13–15	103	Haj-khalil, Ubillos, Kang, Beyabani		13–15
Overall Outcome			1, 3–11, 16, 17	13–15

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART