UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/799,964	03/13/2013	Weidong Mao	26141.0088U1	7799

16000 7590 01/27/2020

Comcast
c/o Ballard Spahr LLP
999 Peachtree Street, Suite 1000
Atlanta, GA 30309

EXAMINER	
ZARRINEH, SHAHRIAR	

ART UNIT	PAPER NUMBER
2497	

NOTIFICATION DATE	DELIVERY MODE
01/27/2020	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatentmail@ballardspahr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WEIDONG MAO, ELAD NAFSHI, MARK ANDREW VICKERS, GREGORY ALLEN BROOME, and SREE KOTAY

Appeal 2019-001726
Application 13/799,964
Technology Center 2400

Before BRYAN F. MOORE, BETH Z. SHAW, and JASON M. REPKO, *Administrative Patent Judges.*

SHAW, *Administrative Patent Judge.*

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's decision to reject claims 1–20. *See* Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

[1] We use the word Appellant to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Comcast Cable Communications, LLC. Appeal Br. 1.

CLAIMED SUBJECT MATTER

The claims are directed to a methods and systems for managing data assets. Claim 1, reproduced below, is illustrative of the claimed subject matter, with the disputed limitation in italics:

> 1. A method comprising:
>
> generating an access token associated with a particular data asset and representing access rights of a user;
>
> receiving a request for access to the particular data asset, wherein the request indicates a requested quality level of the particular data asset;
>
> *weighting, based on the requested quality level, the request for access*;
>
> determining, based on the access token, a dynamic threshold number of requests for access to the particular data asset permitted to the user, wherein the dynamic threshold is based on a time the request for access was received, and wherein the dynamic threshold number of requests for access to the particular data asset is more than one;
>
> granting, based upon the access rights of the user, the request, wherein granting the request is dependent upon not exceeding the dynamic threshold number of requests for access to the particular data asset based on the weighted request for access; and
>
> in response to granting the request, modifying the access token.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Weigle	US 8,478,693 B1	July 2, 2013
Yin	US 2013/0152221 A1	June 13, 2013

REJECTION

Claims 1–20 are rejected under 35.U.S.C. § 103(a) as being unpatentable over Yin and Weigle.

OPINION

Appellant argues Yin and Weigle fail to teach "weighting, based on the requested quality level, the request for access," recited in claim 1. In particular, Appellant argues that Yin at most teaches allowing access to content if the maximum number of allowed viewings is not met, as well as denying access to the content if the user does not have the appropriate access type. Appeal Br. 6.

The Examiner finds that paragraph 63 of the Specification clarifies the claim limitations. Paragraph 63 of Specification states:

> In step 610**,** if the number of access requests does not exceed an access threshold or the threshold exceeds the number of access requests, one or more subsequent access requests can be granted. The access threshold can be pre-defined or dynamic. The access threshold can be based upon a related content asset or user, wherein different content assets, users, or receiving devices can have different access thresholds associated therewith. In an aspect, the type of access request can have a variable weight associated therewith. For example, a request for streaming standard definition video can be weighted as a single request, while a request for streaming high definition video can be weighted as two requests. Various weighting techniques and values can be based upon types of content, duration of content, type of access requested, time of day, location of receiving device, type of receiving device, class of user, subscription package, and other criteria.

Spec. ¶ 63 (emphasis added).

The Examiner concludes that under the broadest reasonable interpretation, "weighting the request for access based on a requested quality level" is about the kind of subscription package the user has and a particular level of quality of content view the user has subscribed to. Ans. 4. Yin

teaches that "entitlement rights manager 520 may determine whether user device 170 is entitled to play the content at a particular quality (e.g., high definition) (block 1118)" and "[t]he quality may depend on the package to which the user of user device 170 is subscribed (weighting)]." Ans. 4 (citing Yin ¶¶ 100, 106).

Appellant argues "granting or denying a request based on what a user is allowed to access does not weight the requests because each request is treated exactly the same." Appeal Br. 7. Appellant argues Yin teaches "treating each request exactly the same, regardless of what the request entails, to determine different outcomes (e.g., whether the request for content will be granted or denied) based upon different factors associated with a user's subscription package." *Id.*

In the Reply Brief, Appellant argues that the independent claims do not recite a "subscription package," or the content that "the user has subscribed" to, and Appellant argues that the Examiner therefore improperly imports limitations from the specification into the claims. Reply Br. 3.

First, we note that "during examination proceedings, claims are given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000).

"'It is axiomatic that, in proceedings before the [Patent and Trademark Office], claims in an application are to be given their broadest reasonable interpretation consistent with the specification, [ ] and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art.'" *In re Bond*, 910 F.2d 831, 833 (Fed. Cir. 1990) (quoting *In re Sneed*, 710 F.2d 1544, 1548 (Fed. Cir. 1983) (citations omitted).)

We are not persuaded by Appellant's arguments because Appellant provides insufficient evidence proving that the Specification or claims limit "weighting, based on the requested quality level, the request for access" in a way that, under a broad but reasonable interpretation, is not encompassed by Yin's teaching of determining whether the user device is entitled to play the content at a particular quality, which may depend on the package to which the user is subscribed. Yin ¶ 100; *see also* Yin. Fig. 11.

We are not persuaded that the Examiner has improperly imported limitations from the Specification into the claim. Rather, the Examiner reads the claim language in light of the Specification as it would be interpreted by one of ordinary skill in the art to conclude that a subscription package is an example of something a weighting technique can be based on, as described in Appellant's Specification. *See* Spec. ¶ 63 ("Various weighting techniques can be based upon . . . subscription package . . . ."). The Examiner's interpretation does not limit the claim to weighting techniques that are only based on a subscription, but rather, the Examiner finds that Lin teaches an example of the claimed weighting, thus rendering the limitation obvious.

Accordingly, we sustain the rejection of claim 1. We also sustain the rejection of claims 2–20, for which Appellant presents no additional arguments.

CONCLUSION

The Examiner's rejection is affirmed.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	103(a)	Yin, Weigle	1–20	

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