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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/541,598	07/03/2012	Vidya Setlur	PAT 84472A-2	5665
132251	7590	06/26/2020	EXAMINER	
(BLG/Conversant Wireless/27921)			WAQAS, SAAD A	
Borden Ladner Gervais LLP			ART UNIT	
World Exchange Plaza			PAPER NUMBER	
100 Queen Street, Suite 1300			2468	
Ottawa, ONTARIO K1P 1J9			NOTIFICATION DATE	
CANADA			DELIVERY MODE	
			06/26/2020	
			ELECTRONIC	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte VIDYA SETLUR, DAIDI ZHONG, MISKA HANNUKSELA,
RAMAKRISHNA VEDANTHAM, SURESH CHITTURI, TOLGA CAPIN,
and MICHAEL INGRASSIA

Appeal 2019-002644
Application 13/541,598
Technology Center 2400

Before JEAN R. HOMERE, JOHN F. HORVATH, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE¹

Pursuant to 35 U.S.C. § 134(a), Appellant² appeals from the
Examiner's decision to reject claims 1–3 and 5–20, which constitute all of

¹ We refer to the Specifications, filed July 3, 2012 and May 15, 2013 (“Spec.”); the Final Office Action, mailed Jan. 11, 2018 (“Final Act.”); the Appeal Brief, filed July 20, 2018 (“Appeal Br.”); the Examiner’s Answer, mailed Dec. 19, 2018 (“Ans.”); and the Reply Brief (“Reply Br.”) filed Feb. 15, 2019. This appeal relates to Appeal 2016-002817 (“Dec.”), previously decided on Dec. 13, 2016, in which we affirmed the Examiner’s rejections of claims 1–20. Dec. 5.

² We use the word “Appellant” to refer to “applicant” as defined in

the claims pending in this appeal. Appeal Br. 3. Claim 14 has been cancelled. *Id.* We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

II. CLAIMED SUBJECT MATTER

According to Appellant, the claimed subject matter relates to point-to-point and broadcast/multicast services, including a transport mechanism for streaming and downloading multimedia content containing Scalable Vector Graphics (SVG). Spec. ¶¶ 2, 8, 9. In particular, as depicted in Figure 1 below, server (100) transmits to client (110) a multimedia presentation in a packet stream that includes scene packets containing information derived from a scene description and/or update, as well as a packet containing a list of graphic elements including SVGs currently active in the multimedia presentation. *Id.* ¶¶ 22–31, Fig. 1.

Figure 1, discussed above and reproduced below, is useful for understanding the claimed subject matter:

37 C.F.R. § 1.42(a). Appellant identifies Conversant Wireless Licensing S.a.r.l as the real party-in-interest. Appeal Br. 3.

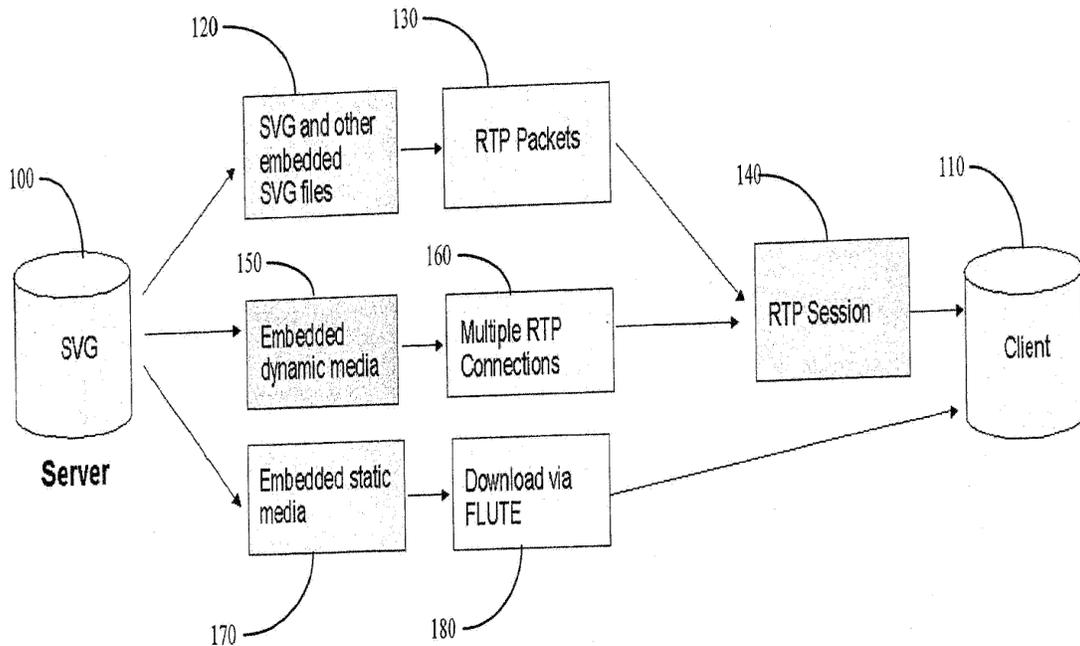


FIG. 1

Figure 1 illustrates a transport mechanism for transporting multimedia/ SVG data from server (100) to client device (110) by dividing SVG content into 3 groups: (1) SVG/embedded files (120) transported in RTP packets (130) to client device (110) via RTP session (140), (2) Embedded dynamic media (150) transported in multiple RTP connections (160) to client device (110) via RTP session (140), and (3) Embedded static media (170) downloaded by client device (110) via FLUTE (180). Spec. ¶ 28.

Illustrative Claim

Claims 1, 10, and 19 are independent. Claim 1, reproduced below with disputed limitations emphasized in *italics*, is illustrative of the claimed subject matter:

A method for delivering content to a client device, comprising:

transmitting a multimedia presentation comprising scalable vector graphics in a packet stream to the client device, the multimedia presentation specified using a markup language; wherein the multimedia presentation includes at least one group of scenes, each constituted by a scene description and at least one scene update, and transmitted in the packet stream as scene packets containing information derived from the scene description or the at least one scene update; wherein at least one packet in the packet stream contains a list of scalable vector graphics elements that are currently active, said list, transmitted once for a particular group.

Appeal Br. 16 (Claims Appendix).

III. REFERENCES RELIED UPON

The Examiner relies upon the following references.³

Name	Number	Publ'd/Issued
Peltotalo	File Delivery over DVB-H, FLUTE	March 2005
Moriya	US 2005/0149557 A1	July 7, 2005
Bourges-Sevenier ("Bourges")	US 2007/0192818 A1	Aug. 16, 2002

IV. REJECTIONS

The Examiner rejects claims 1–3 and 5–20 as follows:

1. Claims 1–3, 5, 6, 8–15, and 17–20 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Moriya and Bourges. Final Act. 2–12.

³ All reference citations are to the first named inventor only.

2. Claims 7 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Moriya, Bourges, and Peltotalo. Final Act. 12–13.

V. ANALYSIS

We consider Appellant’s arguments *seriatim*, as they are presented in the Appeal Brief, pages 9–17 and the Reply Brief, pages 2–5.⁴ We are unpersuaded by Appellant’s contentions. Except as otherwise indicated herein below, we adopt as our own the findings and reasons set forth in the Final Office Action, and the Examiner’s Answer in response to Appellant’s Appeal Brief. Final Act. 2–17; Ans. 3–20. However, we highlight and address specific arguments and findings for emphasis as follows.

Regarding the rejection of claim 1, Appellant argues that Moriya and Bourges are not properly combined to teach or suggest a transport mechanism for transmitting a multimedia presentation including SVGs and a packet stream containing a list of SVG elements that are currently active, said list transmitted once for a particular group. Appeal Br. 10–17. Appellant argues that the Examiner’s rationale for combining Moriya with Bourges is conclusory because the Examiner merely relies upon the intent of the invention disclosed in Bourges (i.e., providing an extensible programmatic interactive multimedia system). *Id.* at 10–11 (citing Bourges ¶ 25). In particular, Appellant argues there is no nexus between Bourges’ use of conventional SVGs and Moriya’s disclosure of organizing scenes of a video,

⁴ We have considered in this Decision only those arguments Appellant actually raised in the Briefs. Any other arguments Appellant could have made but chose not to make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2012).

including metadata describing the hierarchical structure thereof as well as the characteristic amounts of each scene, to produce the purported benefits cited by the Examiner. *Id.* at 10, 11, 15 (citing Moriya ¶¶ 44–48), Reply Br. 2.

According to Appellant, the Examiner’s proposed combination of Moriya and Bourges would at best “result in a video having statically recorded SVG elements arranged according to substantive contents.” Appeal Br. 15, 16, Reply Br. 4. Appellant further argues that, because Moriya’s characteristic scene amounts such as color histogram and motion complexity merely indicate the amount of particular colors in a video frame and motion between video frames, as opposed to indicating the position of various color/motion pixels in the frame, the combination of Moriya and Bourges fails to teach or suggest scalable graphic elements that are currently active (i.e., dynamic SVG elements). Appeal Br. 17 (citing Moriya ¶¶ 79, 136). Further, Appellant argues that because Moriya’s Level 1 video segment is a group of scenes containing multiple Level 4 scenes, the transmission of a Level 1 video segment involves the transmission of multiple instances of characteristic amounts, as opposed to a single transmission of a list of currently active SVG elements for a group, as required by claim 1. Appeal Br. 17 (citing Moriya ¶ 137, Fig. 15). *Id.* These arguments are not persuasive of reversible Examiner error.

As noted above, Appellant admits that the proposed combination of Moriya and Bourges would at best result in a video having statically recorded SVG elements, as opposed to dynamic ones. We previously found that “Moriya discloses a system for dividing multimedia content into a plurality of scenes including metadata describing the hierarchical structure

as well as the characteristic amounts (e.g., motions, colors, shapes of objects) contained in each scene,” where “one or more scenes contain[] graphic elements including an image.” Dec. 4 (citing, *Moriya* ¶¶ 2, 34, 51, 79, 81). As correctly noted by the Examiner, *Moriya* further discloses a server transmitting to a client a multimedia presentation specified using a markup language. Ans. 15–16 (citing *Moriya* ¶¶ 106, 126) (delivering “constructed content”); *see also* *Moriya* ¶ 39, 57 (generating “metadata describing the contents and structure of the multimedia content in accordance with a specified format”). As further correctly noted by the Examiner, *Bourges* similarly discloses a server transmitting to a client multimedia presentation specified using a *dynamic* Document Object Model (DOM) that uses SVG and may be dynamic or static. Ans. 16 (citing *Bourges* ¶ 82). Accordingly, we agree with the Examiner that the proposed combination of *Moriya* and *Bourges* teaches or suggests a transport mechanism for streaming between a server and a client a multimedia presentation including dynamic/active SVGs. *Id.* at 16–18. As further noted by the Examiner, *Moriya* also discloses that the characteristic amounts are described only in each video segment in accordance with each hierarchical level thereof. *Id.* at 19 (citing *Moriya* ¶137). That is, the characteristic amount for color and motion is described for each particular video segment only at level 4, and not any other levels. *Id.* We therefore agree with the Examiner that the combination of *Moriya* and *Bourges* teaches transmitting a list once to a particular group.

Additionally, we agree with the Examiner that the proposed combination of *Moriya* and *Bourges* is proper because the teachings of the cited references are no more than a simple arrangement of old elements with

each performing the same function it had been known to perform, yielding no more than what one would expect from such an arrangement. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007). Therefore, the ordinarily skilled artisan, being “a person of ordinary creativity, not an automaton,” would be able to fit the teachings of the cited references together like pieces of a puzzle to predictably result in a transport mechanism for streaming between a server and a client a multimedia presentation including dynamic/active SVGs in a list transmitted once for each particular group. *Id.* at 420–21. Because Appellant has not demonstrated that the Examiner’s proffered combination would have been “uniquely challenging or difficult for one of ordinary skill in the art,” we agree with the Examiner that the proposed modification would have been within the purview of the ordinarily skilled artisan. *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418). Consequently, we are satisfied that, on the record before us, the Examiner has established by a preponderance of the evidence that the combination of Moriya and Bourges renders claim 1 unpatentable. Accordingly, we are not persuaded of error in the Examiner’s obviousness rejection of claim 1.

Regarding the rejection of claims 2, 3, and 5–20, Appellant has not presented separate patentability arguments or has reiterated substantially the same arguments as those previously discussed for the patentability of claim 1. As such, claims 2, 3, and 5–20 fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(iv).

VI. CONCLUSION

For the above reasons, we affirm the Examiner’s rejections of claims 1–3 and 5–20.

VII. DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1-3, 5, 6, 8-15, 17-20	103 (a)	Moriya, Bourges	1-3, 5, 6, 8-15, 17- 20	
7, 16	103 (a)	Moriya, Bourges, Peltotalo	7, 16	
Overall Outcome			1-3, 5-20	

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

AFFIRMED