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MOSER TABOADA / VONAGE HOLDINGS CORP. 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			CHO, HONG SOL	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BARUCH STERMAN, IDO MINTZ,
ITAY BIANCO and SAGIE MACHLIN

Appeal 2019-002867
Application 13/966,846
Technology Center 2400

Before ST. JOHN COURTENAY III, LARRY J. HUME, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

BENNETT, *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 1–6, 10–15, and 17–19. Claims 7–9, 16, and 20 are cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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 Vonage Business Inc. Appeal Br. 3.

CLAIMED SUBJECT MATTER

Appellant describes the invention as relating to “a voice over internet protocol (VoIP) service, and more specifically, to a method and apparatus for controlling call handling.” Spec. 2.

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

1. A method for call handling control comprising:
receiving, from a first device, a call request including call handling information directed towards a second device; and
transmitting the call request and the call handling information to the second device, wherein the call handling information comprises instructions to be executed by the second device for controlling what features are activated on the second device during the call, wherein the call handling information activates features on the second device comprising at least one of enabling one or more cameras on the second device, toggling a primary camera from the one or more cameras on the second device, or adjusting a volume of the second device.

Appeal Br. 14 (Claims App.).

REFERENCES

The prior art relied upon by the Examiner as evidence is:

Name	Reference	Date
Brown et al.	US 2003/0112948 A1	June 19, 2003
Allen at al.	US 2010/0312897 A1	Dec. 9, 2010
Batson	US 2012/0300080 A1	Nov. 29, 2012
Somei	US 2013/0023306 A1	Jan. 24, 2013
Harpur et al.	US 2014/0115065 A1	April 24, 2014

REJECTIONS

Claims 1, 6, 10, 12–14 and 19 stand rejected under 35 U.S.C. § 103as being unpatentable over Brown and Somei. Final Act. 2.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103as being unpatentable over Brown, Somei, and Allen. Final Act. 5.

Claim 2, 3, and 15 stands rejected under 35 U.S.C. § 103as being unpatentable over Brown, Somei, and Harpur. Final Act. 6.

Claims 4, 5, and 11 stand rejected under 35 U.S.C. § 103as being unpatentable over Brown, Somei, Harpur, and Batson. Final Act. 7.

STANDARD OF REVIEW

The Board conducts a limited *de novo* review of the appealed rejections for error based upon the issues identified by Appellant and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential).

ISSUE

We have reviewed Appellant’s arguments presented in the Appeal Brief and the Reply Brief. Based on the presented arguments, we identify the following issue for our review:

Has the Examiner erred in finding the cited references teach or suggest “transmitting the call request and the call handling information to the second device, wherein the call handling information comprises instructions to be executed by the second device for controlling what features are activated on the second device during the call, wherein the call handling information activates features on the second device comprising at least one of enabling one or more cameras on the second device,” as recited in the independent claims?

ANALYSIS

Independent claim 1 recites a method for call handling control comprising (a) receiving, from a first device, a call request including call handling information directed towards a second device; and (b) transmitting the call request and the call handling information to the second device, wherein the call handling information comprises instructions to be executed by the second device for controlling what features are activated on the second device during the call, wherein the call handling information activates features on the second device comprising at least one of enabling one or more cameras on the second device, toggling a primary camera from the one or more cameras on the second device, or adjusting a volume of the second device. Appeal Br. 14 (Claims Appendix).

In rejecting claim 1, the Examiner finds Brown's communications system (that sends communications informing the called party that the caller wishes to talk) teaches or at least suggests the recited "transmitting the call request and the call handling information to the second device." Final Act. 3 (citing Brown ¶¶ 125–128). The Examiner further finds Somei's checking whether the caller information is registered in the address book and enabling the camera of the called party when caller information is registered in the address book teaches the disputed limitation "wherein the call handling information comprises instructions to be executed by the second device for controlling what features are activated on the second device during the call, wherein the call handling information activates features on the second device comprising at least one of enabling one or more cameras on the second device." Ans. 7 (citing Somei ¶¶ 56–61, Fig. 5).

Appellant argues the Examiner has erred because in the cited sections of Somei, “call handling instructions are NOT sent.” Appeal Br. 6 (emphasis omitted). More specifically, Appellant contends:

Nowhere in the cited combination are instructions sent from the calling device to the called device, said instructions to be executed by the called device, said instruction for controlling what features are activated by the second device. The instructions executed by the cited combination are read from a condition table on the called device and NOT received in the call handling request.

Appeal Br. 7 (emphasis omitted).

We are persuaded by Appellant’s arguments that the Examiner has erred in rejecting claim 1. Specifically, we agree that neither reference teaches or suggests call handling information, comprising instructions to be executed by the second device, being transmitted from the first device to the second device. Although Somei describes a control unit on a called device determining whether the calling party is registered in the address book and then activating its own camera (Somei ¶ 60), we agree with Appellant that a this determination does not teach or otherwise suggest sending instructions from the first device to the second device to activate the second device’s camera.

Regarding the first-stated rejection over the base combination of Brown and Somei, we are persuaded the Examiner has erred in rejecting independent claim 1 and independent claims 14 and 19 which recite this limitation in commensurate form. For the same reasons, we also do not sustain the first-stated rejection of associated dependent claims 6, 10, 12, and 13 under 35 U.S.C. § 103.

Regarding the remaining obviousness rejections, on this record, the Examiner has not shown how the additionally-cited secondary references (Allen, Harpur, or Batson) overcome the aforementioned deficiencies with respect to the base combination of Brown and Somei, as discussed above regarding independent claims 1, 14 and 19. Therefore, we reverse the rejections of the remaining dependent claims on appeal.

CONCLUSION

We reverse the Examiner's rejections of claims 1–6, 10–15, and 17–19 under 35 U.S.C. § 103.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 6, 10, 12–14, 19	103	Brown, Somei		1, 6, 10, 12–14, 19
17, 18	103	Brown, Somei, Allen		17, 18
2, 3, 15	103	Brown, Somei, Harpur		2, 3, 15
4, 5, 11	103	Brown, Somei, Harpur, Batson		4, 5, 11
Overall Outcome				1–6, 10–15, 17–19

REVERSED