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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BRIAN BARNETT, ARSHAM HATAMBEIKI, REX XU, and
JESUS PEREZ

Appeal 2019-004387
Application 15/455,411
Technology Center 2400

Before MAHSHID D. SAADAT, MARC S. HOFF, and SCOTT E. BAIN,
Administrative Patent Judges.

BAIN, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's decision to reject claims 1–8, which constitute all claims pending in the application. 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 Universal Electronics Inc. Appeal Br. 2.

BACKGROUND

The Claimed Invention

The invention relates to a universal remote control “configured for use in conjunction with multiple interconnected consumer electronic appliances.” Spec. 1–2. Claim 1, the sole independent claim, is illustrative of the invention and the subject matter in dispute, and reads as follows:

1. A method for configuring a controlling device to control a functional operation of a second controllable appliance that is communicatively coupled to a first controllable appliance, comprising:

receiving at the controlling device from the first controllable appliance data indicative of a communications port of the second controllable appliance to which the first controllable appliance is communicatively coupled;

using by the controlling device the data indicative of the communication port of the second controllable appliance as received from the first controllable appliance to automatically configure an input element of the controlling device whereupon a subsequent activation of the input element of the controlling device will cause the controlling device to transmit a command for causing the second controllable appliance to make active the communications port of the second controllable appliance to which the first controllable appliance is communicatively coupled.

Appeal Br. 11 (Claims App.).

References

The references relied upon by the Examiner are:

Name	Reference	Date
Petersson	US 2010/0135279 A1	June 3, 2010
Inoue	US 2011/0125301 A1	May 26, 2011

The Rejections on Appeal

Claims 1 and 5–8 stand rejected under 35 U.S.C. § 102(b) as anticipated by Petersson. Final Act. 2–5.

Claims 2–4 stand rejected under 35 U.S.C. § 103 as unpatentable over Petersson and Inoue. Final Act. 5–7.

DISCUSSION

We have reviewed the Examiner’s rejections in light of Appellant’s arguments presented in this appeal. On the record before us, we cannot sustain the Examiner’s rejections.

Appellant argues the Examiner erred in finding Petersson discloses a “controlling device” (e.g., a remote control) and first/second “controllable appliance[s]” (e.g., set top box (STB), DVD player, television, etc.) as recited in claim 1. Appeal Br. 4–5; Reply Br. 2–3. Specifically, Appellant argues that Petersson does not disclose these elements in the configuration recited in claim 1, i.e., where the controlling device (e.g., a remote control) receives data from a first controllable appliance (e.g., the STB) regarding a “communications port” on a second controllable appliance (e.g., an HDMI port on a television connected to the STB), and the controlling device uses such data to “automatically configure” an input element (e.g., a button) which subsequently activates the communications port (e.g., the television’s HDMI port connected to the STB). Appeal Br. 7–9; Reply Br. 4–5.

More generally, Appellant also argues that the Examiner’s mapping of elements from Petersson to claim 1 is vague, incomplete, and internally inconsistent. Appeal Br. 4–6; Reply Br. 2–3. Appellant argues that Petersson is directed to controlling media “across local area networks” via

gateways, and is fundamentally different from Appellant’s invention as recited in claim 1, which involves remote control and configuration of appliances such as STBs and televisions. Appeal Br. 6–7; Reply Br. 2. On this record, we are persuaded by Appellant’s arguments.

As Appellant argues, Petersson discloses a “media transfer across different local area networks” where a “device in one local network [can] communicate media content with a device in another local network.” Peterson ¶ 20. Examples of such “devices” in Petersson include computers, STBs, televisions, and telephones. *Id.* at ¶ 8. Petersson explains that “in order to provide IMS [IP Multimedia Subsystem] services for *devices* in the local network, a multimedia *gateway* called HIGA (Home IMS Gateway), has been defined that can emulate an IMS terminal from the local network towards the IMS network, to access IMS services on behalf of any device in the local network.” *Id.* (emphases added). Thus, Petersson discloses using “gateways” with emulation properties to enable communication with “devices” on respective networks. *Id.*

The Examiner, however, maps the “appliances” in Appellant’s claim 1 not to Petersson’s “devices” but rather to Petersson’s “gateways” (sometimes in combination with Petersson’s “networks,” although the Examiner’s explanation is unclear). Ans. 4–5; Final Act. 3. In the Final Action, the Examiner finds “[Petersson] Fig. 5 . . . home media gateway 504 and local network 506” disclose the “first controllable appliance” in claim 1. Final Act. 3. In the Answer, the Examiner appears to change positions, finding that the “combination” of Petersson’s “gateway 504” and “second local network 506” discloses the “*second* controllable appliance” recited in

claim 1. Ans. 3–4 (emphasis added). We do not agree with either position taken by the Examiner.

Although we give claims their broadest reasonable interpretation in light of the Specification, *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004), we do not agree that a “gateway and network” as disclosed in Petersson corresponds to an “appliance,” as recited in claim 1 and further described in Appellant’s Specification. The Specification describes “appliances” as “consumer electronic[s]” devices “such as set top boxes for receiving and decoding cable and satellite signals, televisions, DVD players, game systems,” all of which are commonly controlled by “hand held controlling devices, for example remote controls.” Spec. 1; *see also id.* at 3 (describing a “controlling device . . . configurable to control various *appliances*, such as a set top box (‘STB’) 104, a television 106, a DVD player 108, and/or a game console 102”) (emphasis added).

Petersson similarly discusses STBs and televisions (referring to them as “devices” rather than appliances), but expressly discloses them as being distinct from “gateways” and “networks” used for bridging and communications between devices/appliances. *See supra*. Thus, we do not agree with the Examiner’s finding that a “gateway” and “network” in Petersson (alone or in combination) discloses a “controllable appliance” as recited in Appellant’s claim 1.

Even if Petersson’s gateway and network combination constituted an “appliance,” however, we would still be persuaded of error. We cannot discern from the Examiner’s mapping of elements how Petersson discloses “configur[ing] an input element of the controlling device” (e.g., a button on a remote), as further recited in claim 1. Appeal Br. 11. In response to

Appellant's argument regarding the "configure" element (Appeal Br. 8–9), the Examiner simply responds that the rejection is supported for the "same reasons" the Examiner had provided regarding the "appliances" elements.

Ans. 9. In the Final Action, the Examiner explained that Petersson discloses:

an ordering unit 500d adapted to order the first device D1 to execute a multimedia session with the second device by using the received communication parameters for the second device in the residential gateway of the second local network. [T]he external IP address and port number of RGW 202a for media server 202c received in step 2:5 are also provided here, to be used by the TV set 200c in the forthcoming session with media server 202c.

Final Act. 3–4 (citing Petersson ¶¶ 55, 88, Figs. 3, 5).

The foregoing description and corresponding illustrations, however, merely describe devices communicating across networks in order to obtain media, such as a video stream. The Examiner does not explain how this passage, or any other in Petersson, discloses "configur[ing]" an input element on a controlling device, much less configuring the element in the manner further recited in claim 1 (i.e., "whereupon a subsequent activation of the input element of the controlling device will cause the controlling device to transmit a command for causing the second controllable appliance to make active the communications port of the second controllable appliance"). Appeal Br. 11.

Accordingly, for the foregoing reasons, we are persuaded of error regarding the anticipation rejection of claim 1. We, therefore, do not sustain the rejection. For the same reasons, we also do not sustain the anticipation rejection of dependent claims 5–8.

The remaining claims 2–4 also depend (directly or indirectly) from claim 1, and the additional reference (Inoue) cited by the Examiner does not address the deficiencies discussed above regarding Petersson. Thus, we are persuaded of error regarding the obviousness rejection of claims 2–4. We, therefore, do not sustain the Examiner’s obviousness rejection of claims 2–4.

CONCLUSION

We reverse the Examiner’s decision rejecting claims 1–8.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 5–8	102(b)	Petersson		1, 5–8
2–4	103(a)	Petersson, Inoue		2–4
Overall Outcome				1–8

REVERSED