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15/723,068	10/02/2017	Enrique BONANSEA	EMON-2015003c1	5425
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AEON Law 506 2nd Ave Suite 3000 Seattle, WA 98104			BUTTRAM, ALAN T	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ENRIQUE BONANSEA

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Appeal 2020-001348  
Application 15/723,068  
Technology Center 2600

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Before JEAN R. HOMERE, CAROLYN D. THOMAS, and  
CARL W. WHITEHEAD JR., *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE<sup>1</sup>

Pursuant to 35 U.S.C. § 134(a), Appellant appeals from the Examiner’s decision to reject claims 21–34, which constitute all of the claims pending in this appeal.<sup>2</sup> Appeal Br. 4. Claims 1–20 have been cancelled. *Id.* We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

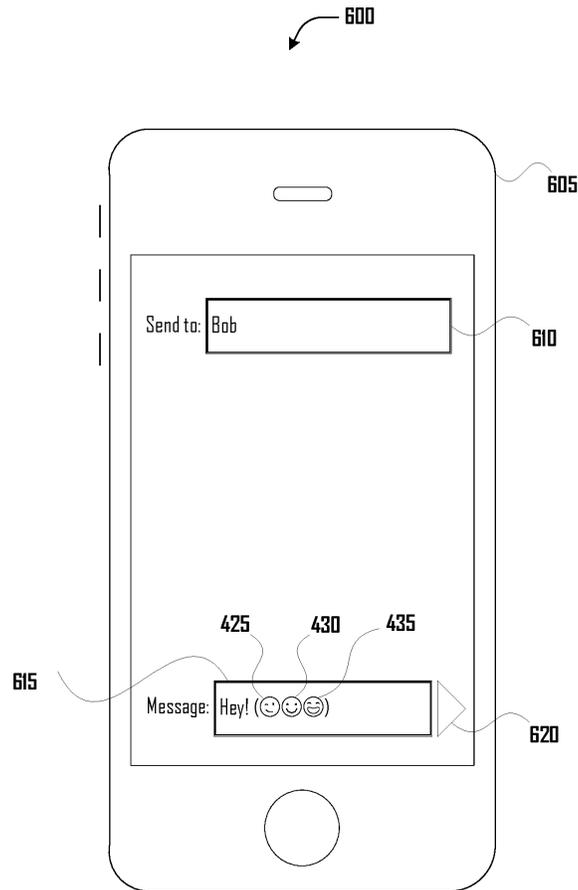
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<sup>1</sup> We refer to the Specification, filed Oct. 2, 2017 (“Spec.”); the Final Office Action, mailed Feb. 25, 2019 (“Final Act.”); the Appeal Brief, filed Aug. 7, 2019 (“Appeal Br.”); the Examiner’s Answer, mailed Oct. 21, 2019 (“Ans.”); and the Reply Brief (“Reply Br.”) filed Dec. 9, 2019.

<sup>2</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies Enrique Bonansea as the real party in interest. Appeal Br. 4.

## II. CLAIMED SUBJECT MATTER

According to Appellant, the claimed subject matter relates to a messaging application (235) running on a mobile device to facilitate to a user thereof creating and sharing with an intended recipient custom animations of messages including text and emoji characters. Spec. ¶¶ 2, 15. Figure 6 is discussed and reproduced below:



**Fig. 6**

Figure 6 illustrates mobile device (605) for customizing animation of a message including text and emoji characters (425, 430, 435) to be sent to intended recipient (610). Spec. ¶ 28.

As depicted in Figure 6 above, a user of mobile device (605) enters in input field (615) a text message (“Hey!”) along with emoji characters (425, 430, 435), selects button (620) indicating a wish to animate the message according to a predetermined animation routine, and sends the animated message to a designated recipient. Spec. ¶ 28. Upon receiving the processed message, the text messaging software in the recipient’s device renders the frames of the animated messages to see the animation as specified by the sender. *Id.* ¶ 29.

*Illustrative Claim*

Claims 21, 26, and 30 are independent. Claim 21, reproduced below with disputed limitations emphasized, is illustrative:

A method performed by a computing system to create and share an animated character, comprising:  
receiving from a user a first input indicating a character;  
receiving from the user a second input directing a manipulation of the character;  
*generating an animation of the indicated character according to the directed manipulation of the character;*  
displaying the generated animation;  
receiving from the user a third input to deliver the generated animation to a recipient; and  
*transmitting the generated animation to the recipient over a communications network.*

Appeal Br. 28 (Claims Appendix).

### III. REFERENCES

The Examiner relies upon the following references.<sup>3</sup>

Name	Number	Publ'd/Issued
Nishihata	US 2003/0011643 A1	Jan. 16, 2003
Camp, Jr.	US 2008/0182566 A1	July 31, 2008
Mellamphy	US 2011/0246890 A1	Oct. 6, 2011
Fujisaki	US 8,639, 214 B1	Jan. 28, 2014
Steele	US 8,949,461 B2	Feb. 3, 2015
Bonansea '123	US 2016/0035123 A1	Feb. 4, 2016
Bonansea '532	US 9,779,532 B2	Oct. 3, 2017

### IV. REJECTIONS<sup>4</sup>

The Examiner rejects claims 21–34 as follows:

1. Claims 21, 26, and 29 stand rejected under 35 U.S.C. § 102 as anticipated by Camp. Final Act. 7.
2. Claims 22–24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Camp and Bonansea '123. Final Act. 8–9.
3. Claim 25 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Camp and Fujisaki. Final Act. 10.
4. Claim 27 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Camp and Nishihata. Final Act. 11.

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<sup>3</sup> All reference citations are to the first named inventor only.

<sup>4</sup> The double patenting rejection previously entered by the Examiner has been withdrawn in light of Appellant's terminal disclaimer filed on May 14, 2019. Final Act. 3–6; Appeal Br. 8.

5. Claim 28 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Camp and Steele. Final Act. 12.
6. Claims 30, 31, and 34 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Camp and Mellamphy. Final Act. 12–14.
7. Claims 32 and 33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Camp, Mellamphy, and Nishihata. Final Act. 14.

## V. ANALYSIS

We consider Appellant’s arguments in the Appeal Brief, pages 9–27, and the Reply Brief, pages 5–19.

### *1. Anticipation Rejection*

Regarding the rejection of claim 21, Appellant argues, *inter alia*, that Camp does not describe generating an animation of a user indicated character according to the user-directed manipulation of the character for transmission to a recipient over a communications network. Appeal Br. 13–16. In particular, Appellant argues that Camp’s sending device “is unable to generate animations for recipients who do not already have designated content files loaded on their devices”; it instead provides a message along with a location of a content file residing on the recipient device, which subsequently processes the identified file to generate the manipulated character. *Id.* at 14, 15 (citing Camp ¶¶ 2, 13, 14, 18, 26, 28, 29, 34). Appellant’s argument is persuasive of reversible Examiner error.

As a preliminary matter, we note that the disputed claim limitation requires generating at a computing system an animation of a character specified by a user for subsequently transmitting the animated character to a

recipient. Therefore, claim 21 requires that the manipulated character be generated at the sending computing device, which subsequently transmits the animated character to the receiving computing device.

Camp discloses a method and system for providing and displaying an animated short message service (SMS) with animated characteristics. Camp, Abstr. According to Camp, the user enters at the sending device the text of the SMS as well as a pointer specifying the location of the content file at the receiving device as well as the animation type parameter indicating how the content will be animated. *Id.* ¶¶ 2, 13–22, 28. Further, according to Camp, the animation file can include emoticons, which are not attached in the SMS message, but are included in a multimedia message (MMS). *Id.* ¶¶ 13, 34.

We do not agree with the Examiner's determination that Camp's disclosure of generating an animation of a character describes the disputed limitations. Ans. 11. Although Camp discloses generating an animation of a character designated by a user, such generating of the animation is not performed at the sending device as required by the disputed claim limitation. Rather, Camp discloses performing the animation of the specified character at the receiving device. *See* Camp ¶ 2. Therefore, Camp discloses the sending device transmitting to the receiving device the SMS message along with a pointer to the emoticon at the receiving device, which subsequently generates the specified animation. At best, Camp discloses that the sending device transmits to the receiving device a MMS message including a multimedia file containing an emoticon as well as the desired type of animation. However, we agree with Appellant that Camp is silent as to whether the animation of the emoticon is performed at the sending device

prior to transmitting the MMS, or at the receiving device after receiving the MMS. *See* Appeal Br. 16, 17.

We do not reach Appellant's remaining arguments because Appellant has shown at least one reversible error in the Examiner's anticipation rejection.. Accordingly, we are persuaded of error in the Examiner's anticipation rejection of independent claim 21. We are likewise persuaded of error in the Examiner's anticipation rejection of the cited claims because independent claims 26 and 29 also recite the disputed limitations discussed above..

## *2. Obviousness Rejections*

Regarding the rejections of dependent claims 22–25, 27, 28, and 30–34, because the Examiner does not rely on any of the secondary references to cure the noted deficiencies of Camp discussed above for independent claims 21, 26, and 29, we are likewise persuaded of reversible error in the Examiner's obviousness rejections of the cited dependent claims.

## VI. CONCLUSION

For the above reasons, we reverse the Examiner's rejections of claims 21–34.

VII. DECISION SUMMARY

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
21, 26, 29	102	Camp		21, 26, 29
22–24	103	Camp, Bonansea		22–24
25	103	Camp, Fujisaki		25
27	103	Camp, Nishihata		27
28	103	Camp, Steele		28
30, 31, 34	103	Camp, Mellamphy		30, 31, 34
32, 33	103	Camp, Mellamphy, Nishihata		32, 33
<b>Overall Outcome</b>				<b>21–34</b>

REVERSED