

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JERILYN L. MARLER, MARY J. LALOMIA,
DAVID B. KINDER, JASON T. CASSEZZA
and SCOTT P. CASEY

Appeal No. 2003-1535
Application 09/429,057

ON BRIEF

Before HAIRSTON, KRASS, and MacDONALD, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 30.

The disclosed invention relates to a method and system for transmitting video data, ancillary information associated with

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the video data, and information that may be used to identify the content included in the ancillary information.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method comprising:

transmitting video data;

transmitting ancillary information associated with said video data; and

transmitting information that may be used to link to an identifier that identifies the content included in said ancillary information.

The reference relied on by the examiner is:

Macrae et al. (Macrae) WO 98/17064 Apr. 23, 1998

Claims 1 through 30 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Macrae.

Reference is made to the brief (paper number 16) and the answer (paper number 17) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the anticipation rejection of claims 1 through 30.

Turning first to claim 1, Macrae discloses (page 12, lines 5 through 22) video data (i.e., television signals) transmitted along with ancillary information (i.e., on-screen icon 130 that informs the viewer of received electronic mail) associated with the video data, and information (i.e., "the subject or sender of the mail message") is included in the transmitted data so that it may be used to identify the content included in the ancillary information. According to Macrae (page 12, lines 22 through 24), "[t]he viewer may therefore 'screen' his or her E-mail, and connect only when the mail message is of interest or importance to him or her." Macrae discloses an Internet address or URL to a web page "that may be used to link to an identifier that identifies the content included in said ancillary information" (page 4, line 36 through page 5, line 5; page 6, lines 1 through 9; page 8, lines 14 through 33; page 9, lines 13 through 32). Thus, the anticipation rejection of claim 1 is sustained. The anticipation rejection of claims 2, 4 through 11, 13 through 15, 17 through 21 and 23 through 30 is likewise sustained because appellants have chosen (brief, page 12) to let these claims stand or fall as a group with claim 1.

Turning next to claim 3, we find that Macrae discloses an Internet address or URL to a web page "that includes an

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appropriate icon" as required by this claim (page 4, line 10; page 5, line 1; page 6, lines 1 through 3; page 8, lines 14 through 33; page 9, lines 13 through 32). In fact, Macrae indicates (page 8, lines 7 through 11) that the product that incorporates his invention is sold under the "trademark 'WebTV,'" and that "data representative of on-screen graphical icon, along with an associated Internet site address, is transmitted as a single data unit, packet, or group of packets in the VBI of a television signal" (page 8, lines 30 through 33). Accordingly, the anticipation rejection of claim 3 is sustained. The anticipation rejection of claims 12, 16 and 22 is sustained because appellants have chosen (brief, page 12) to let these claims stand or fall as a group with claim 3.

DECISION

The decision of the examiner rejecting claims 1 through 30 under 35 U.S.C. § 102(a) is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	
ERROL A. KRASS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
ALLEN R. MACDONALD)	
Administrative Patent Judge)	

KWH:dal

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