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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
95/001,577	03/16/2011	Paul A. FREIBERGER	2607.335REX1	1540				
21912	7590	05/19/2011	<table border="1"> <tr> <td colspan="2">EXAMINER</td> </tr> <tr> <td colspan="2">HUGHES, DEANDRA M</td> </tr> </table>		EXAMINER		HUGHES, DEANDRA M	
EXAMINER								
HUGHES, DEANDRA M								
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			<table border="1"> <tr> <th>ART UNIT</th> <th>PAPER NUMBER</th> </tr> <tr> <td>3992</td> <td></td> </tr> </table>		ART UNIT	PAPER NUMBER	3992	
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			<table border="1"> <tr> <th>MAIL DATE</th> <th>DELIVERY MODE</th> </tr> <tr> <td>05/19/2011</td> <td>PAPER</td> </tr> </table>		MAIL DATE	DELIVERY MODE	05/19/2011	PAPER
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05/19/2011	PAPER							

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, NW  
WASHINGTON, DC 20005

Date:

**MAILED**

**MAY 19 2011**

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester  
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001577  
PATENT NO. : 6778314  
TECHNOLOGY CENTER : 3999  
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

<b>Transmittal of Communication to Third Party Requester Inter Partes Reexamination</b>	Control No.	Patent Under Reexamination	
	95/001,577	FREIBERGER ET AL.	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

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<b>ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION</b>	Control No.	Patent Under Reexamination	
	95/001,577	FREIBERGER ET AL.	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s):     PTO-892         PTO/SB/08         Other: \_\_\_\_\_

1.  The request for *inter partes* reexamination is GRANTED.

An Office action is attached with this order.

An Office action will follow in due course.

2.  The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

**All correspondence** relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Order.



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Art Unit: 3992

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### ORDER GRANTING REQUEST FOR *INTER PARTES* REEXAMINATION

1. Substantial new questions of patentability ("SNQ") affecting claims 1-15 of USP 6,778,314 ("**314 patent**") have been proposed by the third party requester ("3PR") in the *inter partes* reexamination request filed Mar. 16, 2011 ("Request").

#### *References Cited Proceeding*

2. USP 5,748,190 to Kjorsvik filed Sep. 5, 1995. ("**Kjorsvik**")
3. USP 5,913,040 to Rakavy filed Aug. 22, 1995. ("**Rakavy**")
4. Salm, Walter. "Buying a Real Computer Monitor". Popular Electronics. October 1984. pp. 102-103, 132, and 134. ("**Salm**")

#### *Prosecution History*

5. The prosecution history of the application (09/528,803) which became the '**314 patent**' is presented below.

- On Mar. 20, 2000, claims 1-102 were presented for examination.
- On May 20, 2002, applicant elected the invention of claims 68-82 in response to a restriction requirement.
- On Jul. 30, 2002, claims 68-82 were rejected.
  - Claims 68-71 and 74-82 were rejected as being anticipated by Gayraud. (USP 5,436,637)
  - Claims 68-82 were rejected as being anticipated by **Rakavy**.
- On Jan. 6, 2003, applicant amended independent claims 68, 70, 72, 74, 77, and 80.
- On Feb. 14, 2003, claims 68-82 were finally rejected.
  - Claims 68, 70, 72, 74, 76-77, 79-80, and 82 were rejected as being anticipated by Farber.
  - Claims 69, 71, 73, 75, 78, and 81 were rejected as being obvious over Farber.

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- On May 16, 2003, applicant filed an RCE with amendments to independent claims 68, 70, 72, 74, 77, and 80.
- On Jun. 25, 2003, claims 68-82 were rejected as being anticipated by Farber.
- On Nov. 17, 2003, applicant amended independent claims 68, 70, 72, 74, 77, and 80.
- On Jan. 12, 2004, claims 68-82 were allowed. As reasons for allowance, the Examiner stated the following:

The prior art of record fails to teach or suggest engaging the peripheral attention of a person in the vicinity of a display device by at least wherein each associated content provider is located in a different physical location than at least one other content provider and each content provider provides its content data to the content display system independently of each other content provider and without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system.

6. Based on the prosecution history of the application (09/528,803), the Examiner considers a teaching as to the following to form a the basis of an SNQ as to the '314 patent:

*A system or method for engaging the peripheral attention of a person in the vicinity of a display device wherein*

- *each associated content provider is located in a different physical location than at least one other content provider and*
- *each content provider provides its content data to the content display system independently of each other content provider and*
- *without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system.*

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**Decision**

7. The Request indicates that 3PR considers:
- (1) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are anticipated by **Kjorsvik**.
  - (2) Claims 2, 4, 6, 8, 11, and 14 are obvious over **Kjorsvik** in view of **Salm**.
  - (3) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are anticipated by **Rakavy**.
  - (4) Claims 2, 4, 6, 8, 11, and 14 are obvious over **Rakavy** in view of **Salm**.
  - (5) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are obvious over **Rakavy** in view of **Kjorsvik**.

**KJORSVIK: Proposed SNQs (1)-(2)**

8. It is agreed that the consideration of **Kjorsvik**, alone or in combination, raises a SNQ as to claims 1-15 of the '**314 patent**. **Kjorsvik** discloses:

"...presentations may be obtained or provided to external systems and/or other outside sources over external communication lines. This enables the one administration module for the system to obtain or provide presentations directly from or to external sources, so as to eliminate the need for composing them within the system." (col. 4:19-25)

**Kjorsvik** was not before the Examiner during the prosecution of the '**314 patent** and there is a substantial likelihood that a reasonable examiner would consider this teaching of **Kjorsvik** important in deciding whether claims 1-15 of the '**314 patent** are patentable. Accordingly, **Kjorsvik** raises a SNQ as to claims 1-15, which question has not been decided in a previous examination of the '**314 patent**.

For these reasons, the claims will be reexamined over SNQs (1)-(2).



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**RAKAVY: Proposed SNQs (3)-(5)**

9. It is agreed that the consideration of **Rakavy**, alone or in combination, raises a SNQ as to claims 1-15 of the '**314 patent**.

**Rakavy** was before the Examiner during the prosecution of the '**314 patent** (09/528,803) and claims 68-82 (now claims 1-15) were rejected as being anticipated by **Rakavy**. Claims 68-82 were amended with the following limitation that removed the rejections.

wherein the one or more sets of content data are selected from a plurality of sets of content data, each set being provided by an associated content provider, and wherein for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control the duration, sequencing, and/or timing of the display of the set of content data.

3PR argues **Rakavy** is presented in a new light because **Rakavy** allegedly discloses this claim limitation at figure 5, col. 7:12-29, col. 10:66-11:30, and col. 12:19-40, which are portions of **Rakavy** not expressly discussed in the claim rejections. (Request, pg. 42, 2<sup>nd</sup> ¶) This argument, however, is not persuasive because these cited portions of do not provide the teaching that forms the basis of an SNQ as to the '**314 patent** as set forth above.

Nonetheless, 3PR addresses the claim limitation which forms the basis of an SNQ in the Request at page 100, 1<sup>st</sup> box. It is agreed that the following disclosure of **Rakavy** that has not been considered in the prosecution of 09/528,803 provides a teaching which forms the basis of an SNQ as to the '**314 patent**.

"The Advertisement Feeder 250, is responsible for adding new Advertisements 50 to the User Preference and Advertisement



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Database 230. Advertisements 50 preferably are provided from the Internet through the Internet Feeder 270, however, the Advertisements Feeder 250 is not dependent on the type of advertisement source and may receive Advertisements 50 from other sources, such as commercial on-line services, via other feeder mechanisms and other types of polite agents, as shown by references 271 and 272, respectively, in FIG. 4." (col.12:20-25)

There is a substantial likelihood that a reasonable examiner would consider these teachings of **Rakavy** important in deciding whether claims 1-15 of the '**314 patent** are patentable. As such, **Rakavy** raises a SNQ as to claims 1-15, which question has not been decided in a previous examination of the '**314 patent**.

For these reasons, the claims will be reexamined over SNQs (3)-(5).

#### **Conclusion**

10. For the reasons set forth above, claims 1-15 of the '**314 patent** will be reexamined.

11. All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to: Mail Stop Ex Parte Reexam  
Attn: Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900  
Central Reexamination Unit

By hand: Customer Service Window  
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Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via

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the electronic filing system EFS-Web, at:

<https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Deandra M. Hughes/  
Primary Examiner, AU3992

Conferees:



MARK J. REINHART  
CRU SPE-AU 3992

Receipt date: 03/16/2011

Equivalent of Form PTO/SB/D8A (04-07)  
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Substitute for form 1449/PTO		<b>Complete if Known</b> 95/001,577	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Control Number	(to be assigned) <del>(Reexamination of U.S. Patent No. 6,788,314; Issued: September 7, 2004)</del>
		Filing Date	<del>herewith</del> Mar. 16, 2011
		Inventors	FREIBERGER <i>et al.</i>
		Art Unit	(to be assigned) 3992
		Examiner Name	(to be assigned) Deandra Hughes
Sheet	1 of 1	Attorney Docket Number	2607.335REXI

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	US1	5,748,190	05/05/1998	Kjorsvik	
	US2	5,913,040	06/15/1999	Rakavy <i>et al.</i>	
	US3				
	US4				
	US5				
	US6				
	US7				
	US8				
	US9				
	US10				
	US11				
	US12				
	US13				
	US14				
	US15				
	US16				
	US17				
	US18				
	US19				
	US20				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM/DD/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>9</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	FP1					
	FP2					
	FP3					
	FP4					
	FP5					
	FP6					
	FP7					
	FP8					
	FP9					

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Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>9</sup> Applicant is to place a check mark here if English language Translation is attached.  
 This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H./**



Receipt date: 03/16/2011

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Substitute for form 1449/PTO		<i>Complete if Known</i> 95/001,577	
<b>FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Control Number	(to be assigned) <del>(Reexamination of U.S. Patent No. 6,788,314; Issued: September 7, 2004)</del>
		Filing Date	<del>(herewith)</del> Mar. 16, 2011
		Inventors	FREIBERGER <i>et al.</i>
		Art Unit	(to be assigned) 3992
		Examiner Name	(to be assigned) Deandra Hughes
Sheet 1 of 1	Attorney Docket Number	2607.335REX1	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Salm, "Buying a Real computer Monitor," Popular Electronics, October 1984, pp. 102, 103, 132, and 134.	
	NPL2		
	NPL3		
	NPL4		
	NPL5		
	NPL6		
	NPL7		
	NPL8		
	NPL9		
	NPL10		

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Examiner Signature	/Deandra Hughes/ (05/18/2011)	Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**MAY 19 2011**

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester  
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001577  
PATENT NO. : 6778314  
TECHNOLOGY CENTER : 3999  
ART UNIT : 3992

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95/001,577	03/16/2011	Paul A. FREIBERGER	2607.335REX1	1540

21912 7590 05/19/2011  
 VAN PELT, YI & JAMES LLP  
 10050 N. FOOTHILL BLVD #200  
 CUPERTINO, CA 95014

EXAMINER
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HUGHES, DEANDRA M

ART UNIT	PAPER NUMBER
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3992

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05/19/2011

PAPER

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The time period for reply, if any, is set in the attached communication.



<b>OFFICE ACTION IN INTER PARTES REEXAMINATION</b>	Control No.	Patent Under Reexamination	
	95/001,577	FREIBERGER ET AL.	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on \_\_\_\_\_

Third Party(ies) on 16 March 2011

**RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:**

*For Patent Owner's Response:*

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

*For Third Party Requester's Comments on the Patent Owner Response:*

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

**All correspondence** relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

**PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892
2.  Information Disclosure Citation, PTO/SB/08
3.  \_\_\_\_\_

**PART II. SUMMARY OF ACTION:**

- 1a.  Claims 1-15 are subject to reexamination.
- 1b.  Claims \_\_\_\_\_ are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been canceled.
3.  Claims \_\_\_\_\_ are confirmed. [Unamended patent claims]
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims]
5.  Claims 1-15 are rejected.
6.  Claims \_\_\_\_\_ are objected to.
7.  The drawings filed on \_\_\_\_\_  are acceptable  are not acceptable.
8.  The drawing correction request filed on \_\_\_\_\_ is:  approved.  disapproved.
9.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
  - been received.  not been received.  been filed in Application/Control No 95001577.
10.  Other \_\_\_\_\_

<b>INTER PARTES REEXAMINATION COMMUNICATION</b>	Control No.	Patent Under Reexamination	
	95/001,577	FREIBERGER ET AL.	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE  
 2 MONTH(S)  THIRTY DAYS FROM THE MAILING DATE OF THIS LETTER. EXTENSIONS  
OF TIME FOR PATENT OWNER ARE GOVERNED BY 37 CFR 1.956.

Each time the patent owner responds to this Office action, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

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**INTER PARTES REEXAMINATION NON-FINAL ACTION**

1. This is the first non-final action in the inter partes reexamination of claims 1-15 of USP 6,778,314 ("**314 patent**").

***References Cited Proceeding***

2. USP 5,748,190 to Kjorsvik filed Sep. 5, 1995. ("**Kjorsvik**")
3. USP 5,913,040 to Rakavy filed Aug. 22, 1995. ("**Rakavy**")
4. Salm, Walter. "Buying a Real Computer Monitor". Popular Electronics. October 1984. pp. 102-103, 132, and 134. ("**Salm**")

***Proposed Rejections***

5. Third party requester ("3PR") has proposed the following rejections.
  - (A) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are anticipated by **Kjorsvik**.
  - (B) Claims 2, 4, 6, 8, 11, and 14 are obvious over **Kjorsvik** in view of **Salm**.
  - (C) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are anticipated by **Rakavy**.
  - (D) Claims 2, 4, 6, 8, 11, and 14 are obvious over **Rakavy** in view of **Salm**.
  - (E) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are obvious over **Rakavy** in view of **Kjorsvik**.



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**SUMMARY OF THIS ACTION**

- 6. None of the proposed rejections (A)-(E) were adopted.
  - Reasons for Not Adopting Proposed Rejections over **Kjorsvik** .....pgs. 34-35
  - Reasons for Not Adopting Proposed Rejections over **Rakavy** .....pgs. 36-39
  
- 7. Claims 1-15 are rejected over the following Examiner Initiated Rejections, which are grouped according to the respective independent claims.
  - Group (1): Claims 1-2 .....pgs. 4-8
  - Group (2): Claims 3-4 .....pgs. 9-13
  - Group (3): Claims 5-6 .....pgs. 14-18
  - Group (4): Claims 7-9 .....pgs. 19-23
  - Group (5): Claims 10-12 .....pgs. 24-28
  - Group (6): Claims 13-15 .....pgs. 29-33

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**GROUP (1): CLAIMS 1-2**

8. As to these claims, 3PR has proposed the following rejections:
  - (A) Claim 1 is anticipated by **Kjorsvik**.
  - (B) Claim 2 is obvious over **Kjorsvik** in view of **Salm**.
  - (C) Claim 1 is anticipated by **Rakavy**.
  - (D) Claim 2 is obvious over **Rakavy** in view of **Salm**.
  - (E) Claim 1 is obvious over **Rakavy** in view of **Kjorsvik**.
9. None of these rejections are adopted for the reasons set forth on pages 34-39.
10. Claims 1-2 are rejected over the following Examiner initiated rejections.
  - Claim 1 is obvious over **Kjorsvik**.
  - Claim 2 is obvious over **Kjorsvik** in view of **Salm**.

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### EXAMINER INITIATED REJECTIONS OF CLAIMS 1-2

11. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

As to claim 1, **Kjorsvik** discloses a method for engaging the peripheral attention of a person in the vicinity of a display device, comprising the steps of:

*(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- providing one or more sets of content data (*presentations; col. 4:19-25*)
  - to a content display system (*computer*)
  - associated with the display device (*monitor*) and
  - located entirely in the same physical location as the display device  
*(the monitor is located in the same physical location as the computer);*
- providing to the content display system (*computer*) a set of instructions (*files; col. 3:49*) for
  - enabling the content display system (*computer*) to selectively display images (*presentation slides*) generated from a set of content data (*presentation*);
  - in an unobtrusive manner that does not distract a user of the display device (*monitor*) from a primary interaction with the display device (*monitor*),

*(The presentations are initiated for each PC in the network following a selected amount of time during which the PC has been in an 'on' state but has not been in use. col. 2:13-16)*

- auditing (*via the messenger modules*) the display of sets of content data (*presentations*) by the content display system (*computer*); wherein

*(The messenger modules #22 communicate with the system database #24 on the network server #18 and provide a certain amount of local control over the presentation at is associated personal computer. figure 2 and col. 2:45-48)*

- the one or more sets of content data (*presentations*) are selected from a plurality of sets of content data,



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(Administration module #26 and database #24 on server #18 are responsible for selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col.2:62-67)

- each set being provided by an associated content provider (other network servers), wherein

(Administration module #26 also has the capability of communicating with external sources, including other network servers with databases having presentation information, as well as other outside sources of data and images. col. 2:58-62)

- each associated content provider (other network server) is located in a different physical location than at least one other content provider (another network server) and each content provider (network server) provides its content data (presentation) to the content display system (computer) independently of each other content provider and
- (Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system" because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC).

**Kjorsvik** teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (col.2:58-62) In addition, **Kjorsvik** teaches obtaining

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presentations directly from external systems eliminates the need to compose the presentation within the system. (col. 4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col. 4:17-18) or the user of the individual PC. (col. 5:24-32)

**Kjorsvik** teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col. 4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing,

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or timing of the provided presentation for the advantage of permitting the content provider the added flexibility of staging its provided presentation on the individual user's computer.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

Claim 2 is dependent upon claim 1. As such, the claim rejection above addressing each limitation of claim 1 is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with TV sets as display devices for the advantage of the use of cheap and readily available display devices.



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**GROUP (2): CLAIMS 3-4**

13. As to these claims, 3PR has proposed the following rejections:
  - (A) Claim 3 is anticipated by **Kjorsvik**.
  - (B) Claim 4 is obvious over **Kjorsvik** in view of **Salm**.
  - (C) Claim 3 is anticipated by **Rakavy**.
  - (D) Claim 4 is obvious over **Rakavy** in view of **Salm**.
  - (E) Claim 3 is obvious over **Rakavy** in view of **Kjorsvik**.
14. None of these rejections are adopted for the reasons set forth on pages 34-39.
15. Claims 3-4 are rejected over the following Examiner initiated rejections.
  - Claim 3 is obvious over **Kjorsvik**.
  - Claim 4 is obvious over **Kjorsvik** in view of **Salm**.

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**EXAMINER INITIATED REJECTIONS OF CLAIMS 3-4**

16. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjorsvik.

Kjorsvik discloses a computer readable medium encoded with one or more computer programs for enabling engagement of the peripheral attention of a person in the vicinity of a display device, comprising:

*(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- instructions for providing one or more sets of content data (*presentations; col. 4:19-25*)
- to a content display system (*computer*)
  - associated with the display device (*monitor*) and
  - located entirely in the same physical location as the display device;
 

*(the monitor is located in the same physical location as the computer);*
- instructions for providing to the content display system (*computer*) a set of instructions (*files; col.3:49*) for
  - enabling the content display system (*computer*) to selectively display in an unobtrusive manner that does not distract a user of the display device (*monitor*) from a primary interaction with the display device (*monitor*) images (*presentation slides*) generated from a set of content data (*presentation*); and
 

*(The presentations are initiated for each PC in the network following a selected amount of time during which the PC has been in an 'on' state but has not been in use. col. 2:13-16)*
- instructions for auditing (*via the messenger modules*) the display of sets of content data (*presentations*) by the content display system (*computer*); wherein
 

*(The messenger modules #22 communicate with the system database #24 on the network server #18 and provide a certain amount of local control over the presentation at is associated personal computer. figure 2 and col. 2:45-48)*
- the one or more sets of content data (*presentations*) are selected from a plurality of sets of content data,

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(Administration module #26 and database #24 on server #18 are responsible for selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col. 2:62-67)

- each set being provided by an associated content provider (other network servers), wherein

(Administration module #26 also has the capability of communicating with external sources, including other network servers with databases having presentation information, as well as other outside sources of data and images. col. 2:58-62)

- each associated content provider (other network server) is located in a different physical location than at least one other content provider (another network server) and each content provider (other network server) provides its content data (presentation) to the content display system (computer) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col. 4:20-25)

First, **Kjorsvik** does not disclose the limitation “without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system” because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC).

**Kjorsvik** teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (col. 2:58-62) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the



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presentation within the system. (col.4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32)

**Kjorsvik** teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col.4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content

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provider the added flexibility of staging its provided presentation on the individual user's computer.

17. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

**Claim 4** is dependent upon **claim 3**. As such, the claim rejection above addressing each limitation of **claim 3** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.