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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/011,576	03/16/2011	6034652	2230.0004L	1567

27896 7590 10/25/2011

EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/25/2011

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



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

1100 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/011,576.

PATENT NO. 6034652.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



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90/011,576	16 March, 2011	6034652	2230.0004L

EDELL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850	EXAMINER	
	DEANDRA HUGHES	
	ART UNIT	PAPER
	3992	20111024

DATE MAILED:

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

Commissioner for Patents

Patent Owner ("PO") telephoned Renee Preston (Legal Instrument Examiner) on Oct. 24, 2011 to notify the Office that the Non-Final Action mailed Oct. 14, 2011 did not list a statutory period for response to the action.

This communication is sent to clarify the record and set the shortened statutory response period for reply to the Non-Final Action mailed Oct. 14, 2011 to expire TWO (2) MONTHS from the mailing date (i.e. the response is due December 14, 2011).

The Examiner regrets any inconvenience caused by this typographical error.

/Deandra M. Hughes/, PE AU3992



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Office Action in Ex Parte Reexamination	Control No. 90/011,576	Patent Under Reexamination 6034652
	Examiner DEANDRA HUGHES	Art Unit 3992

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

- a Responsive to the communication(s) filed on _____. b This action is made FINAL.
c A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire ____ month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

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

1. Notice of References Cited by Examiner, PTO-892. 3. Interview Summary, PTO-474.
2. Information Disclosure Statement, PTO/SB/08. 4. _____.

Part II SUMMARY OF ACTION

- 1a. Claims 4-8, 11 and 15-18 are subject to reexamination.
1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims 4-8 and 11 are patentable and/or confirmed.
4. Claims 15-18 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
1 been received.
2 not been received.
3 been filed in Application No. _____.
4 been filed in reexamination Control No. _____.
5 been received by the International Bureau in PCT application No. _____.
* See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. Other: _____

cc: Requester (if third party requester)

EX PARTE REEXAMINATION NON-FINAL ACTION

1. This is a non-final action in the *ex parte* reexamination of claims 4-8, 11, and 15-18 of USP 6,034,652 ("**652 patent**").

References Cited Proceeding

2. USP 5,748,190 to Kjorsvik filed Sep. 5, 1995. ("**Kjorsvik**")
3. USP 5,781,894 to Petrecca filed Aug. 11, 1995. ("**Petrecca**")
4. USP 5,913,040 to Rakavy filed Aug. 22, 1995. ("**Rakavy**")
5. USP 5,740,549 to Reilly filed Jun. 12, 1995. ("**Reilly**")
6. USP 5,796,945 to Tarabella filed Jun. 7, 1995. ("**Tarabella**")
7. Roberts, Jason. Director Demystified. Peachpit Press. 1995. ("**Roberts**")
8. Salm, Walter. "Buying a Real Computer Monitor". Popular Electronics. October 1984. pp. 102-103, 132, and 134. ("**Salm**")

Claim Rejections

9. **Claims 15-16 and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by Kjorsvik.

As to **claim 15**, Kjorsvik discloses a computer readable medium encoded with one or more computer programs for enabling acquisition of a set of content data (*presentations; col.4:19-25*) and display of an image or images (*presentation slides*) generated from the set of content data (*presentations*) on a display device (*monitor*) during operation of an attention manager (*presentation system*), comprising:

- acquisition instructions for enabling acquisition of a set of content data (*presentations*) from a specified information source (*e.g. other network servers with databases having presentation information*);

(Administration module #26 has the capability of communication with external sources, including other network servers with databases having presentation information. The administration module #26 and database #24 on server #18 are responsible for generating the various slide presentations, selecting particular slide presentations for the individual PCS in the network and scheduling those presentations in a particular sequence. col.2:58-67)

- user interface (*messenger module #22*) installation instructions for enabling provision of a user interface (*messenger module*) that allows a person to request the set of content data (*presentations*) from the specified information source (*other network server with database having presentation information*)

(The messenger module can be loaded into a network PC from any external source, including the hard disk on the server. col.2:48-50. see also col.2:43 to col.3:17)

- content data (*presentation*) scheduling instructions (*col. 4:17-19*) for providing temporal constraints (*scheduling of presentations is inherently a temporal constraint*) on the display of the image or images (*presentation slides*) generated from the set of content data (*presentations*),

- wherein the content data (*presentation*) scheduling instructions further comprise sequencing instructions (*col.3:1-5*) that specify an order in which the images (*presentation slides*) generated from a set of content data (*presentations*) are displayed; and

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- display instructions (*e.g., col.3:1-5*) for enabling display of the image or images (*presentation slides*) generated from the set of content data (*presentations*).

As to **claim 16**, Kjorsvik discloses the sequencing instructions (*col.3:40*) further specify the duration of the display of each image or images generated from each set of content data. (*Each slide is shown for a preselect amount of time. col.5:14-17*)

As to **claim 18**, Kjorsvik discloses a computer readable medium encoded with one or more computer programs for enabling acquisition of a set of content data (*presentations; col.4:19-25*) and display of an image or images (*presentation slides*) generated from the set of content data (*presentations*) on a display device (*monitor*) during operation of an attention manager (*presentation system*), comprising:

- acquisition instructions for enabling acquisition of a set of content data (*presentations*) from a specified information source (*e.g. other network servers with databases having presentation information*);

(Administration module #26 has the capability of communication with external sources, including other network servers with databases having presentation information. The administration module #26 and database #24 on server #18 are responsible for generating the various slide presentations, selecting particular slide presentations for the individual PCS in the network and scheduling those presentations in a particular sequence. col.2:58-67)

- user interface (*messenger module #22*) installation instructions for enabling provision of a user interface (*messenger module*) that allows a person to request the set of content data (*presentations*) from the specified information source (*other network server with database having presentation information*)

(The messenger module can be loaded into a network PC from any external source, including the hard disk on the server. col.2:48-50. see also col.2:43 to col.3:17)

- content data (*presentation*) scheduling instructions (*col. 4:17-19*) for providing temporal constraints (*scheduling of presentations is inherently a temporal constraint*) on the display of the image or images (*presentation slides*) generated from the set of content data (*presentations*),
- display instructions (*e.g., col.3:1-5*) for enabling display of the image or images (*presentation slides*) generated from the set of content data (*presentations*).

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- content data (presentation) update instructions (col. 4:34-37) for enabling acquisition of an updated set of content data (presentations) from an information source (other network server with database having presentation information) that corresponds to a previously acquired set of content data (presentations from same network server);

(A particular slide may be edited at any time for presentation flexibility. The system database 24 is updated immediately upon such editing so as to impact the presentations in effect on-line. col.4:34-37. see also col.2:43 to col.3:17)

- operating instructions for beginning, managing and terminating (figs. 14-15) the display on the display device (monitor) of an image (presentation slide) generated from a set of content data (presentations);
- content display system (individual PC and monitor) scheduling instructions for scheduling the display of the image or images (presentation slides) on the display device (monitor);
- installation instructions for installing the operating instructions and content display system (individual PC and monitor) scheduling instructions on the content display system (individual PC and monitor); and

(The messenger module can be loaded into a network PC from any external source, including the hard disk on the server. col.2:48-50. see also col.2:43 to col.3:17. The administration module can be loaded into and executed from any PC in the network. col.2:51-53)

- audit instructions for monitoring usage of the content display system (individual PC and monitor) to selectively display an image or images (presentation slides) generated from a set of content data (presentations).

(The administration module #26 and database #24 on server #18 are responsible for generating the various slide presentations, selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col.2:65-67)

10. **Claim 17** is rejected under 35 U.S.C. 103(a) as being obvious over **Kjorsvik** in view of **Petrecca**.

As to **claim 17**, **Kjorsvik** discloses a computer readable medium encoded with one or more computer programs for enabling acquisition of a set of content data (presentations; col.4:19-25) and display of an image or images (presentation slides)

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generated from the set of content data (*presentations*) on a display device (*monitor*)

during operation of an attention manager (*computer*), comprising:

- acquisition instructions for enabling acquisition of a set of content data (*presentations*) from a specified information source (*e.g. other network servers with databases having presentation information*);

(Administration module #26 has the capability of communication with external sources, including other network servers with databases having presentation information. The administration module #26 and database #24 on server #18 are responsible for generating the various slide presentations, selecting particular slide presentations for the individual PCS in the network and scheduling those presentations in a particular sequence. col.2:58-67)

- user interface (*messenger module #22*) installation instructions for enabling provision of a user interface (*messenger module*) that allows a person to request the set of content data (*presentations*) from the specified information source (*other network server with database having presentation information*)

(The messenger module can be loaded into a network PC from any external source, including the hard disk on the server. col.2:48-50. see also col.2:43 to col.3:17)

- content data (*presentation*) scheduling instructions (*col. 4:17-19*) for providing temporal constraints (*scheduling of presentations is inherently a temporal constraint*) on the display of the image or images (*presentation slides*) generated from the set of content data (*presentations*),
- display instructions (*e.g., col.3:1-5*) for enabling display of the image or images (*presentation slides*) generated from the set of content data (*presentations*).

Kjorsvik does not specifically disclose wherein the content data (*presentation*) scheduling instructions further comprise saturation instructions that constrain the number of times that the image or images (*presentation slides*) generated from a set of content data (*presentations*) can be displayed. Petrecca teaches, however, an advertising system to be used with personal computers which enables sponsors to present advertisements to a user during periods of waiting time which are inherent in normal computer use. (*Abstract*) Petrecca teaches this advertising system could keep

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track of the number of times that it presents a particular advertisement and be configured to stop presenting an advertisement after a certain number of presentations. (col.3:4-18) 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 keep track of the number of times that it presents a particular advertisement and to stop presenting an advertisement after a certain number of presentations (*i.e. saturation instructions*) for the advantage of avoiding saturating the user with stale content data (*presentations*).

[The remainder of this page is intentionally left blank.]

Reasons for Confirming Claims as Patentable

11. **Claims 4-8 and 11** are confirmed as patentable. The reasons for confirming these claims as patentable over the prior art of record are presented below.

The '652 patent specification discloses two embodiments wherein the attention manager makes use of 'unused capacity' of the display device. The first is the 'screensaver embodiment' wherein the information can be presented to a person while the apparatus (e.g. computer) is operating, but during inactive periods (i.e., when a user is not engaged in an intensive interaction with the apparatus). (col.2:8-12)

The second is the 'wallpaper embodiment' wherein information can be presented to the person during active periods (i.e. when a user is engaged in an intensive interaction with the apparatus) but in an unobtrusive manner that does not distract the user from the primary interaction with the device (e.g. the information is presented in areas of a display screen that are not used by displayed information associated with the primary interaction with the apparatus). (col.2:12-18)

Independent **claim 4** *claims means for selectively displaying on the display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data* in combination with the other limitations of the claim. As such, the broadest reasonable interpretation of independent **claim 4**, in light of the specification, excludes the screensaver embodiment because the claim language "*in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus*" is consistently and repeatedly linked to the 'wallpaper embodiment' and

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excludes the 'screensaver embodiment'. (see also col.3:20-40, col.6:34-52, and col.13:10-15)

Kjorsvik is a presentation system for displaying presentations on individual PCs in a network following passage of selected amount of time during which the PC is on but is not used. (Abstract)

Rakavy discloses a screensaver subsystem which detects that the system has been idle for a preconfigured time and activates an Advertisements Display Manager that selects and advertisement and displays it. (col.7:63-8:3)

Reilly discloses a computer based information distribution system for distributing information and advertising to each subscriber's computer during time periods in which subscriber's computer is otherwise inactive. (col.1:5-10)

Tarabella discloses displaying image collections on a video terminal during idle time of the computer. (col.2:41)

As such, **Kjorsvik, Rakavy, Reilly, and/or Tarabella** do not disclose or suggest *a means for selectively displaying on the display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data* in combination with the other limitations in the claims because they are directed to display of images during an idle/inactive time of the computer (i.e., 'screensaver embodiment') and the broadest reasonable interpretation of **claim 4**, in light of the specification, excludes the 'screensaver embodiment' for the reasons set forth above.

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Conclusion

12. In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR §1.116, after final rejection and 37 CFR §41.33 after appeal, which will be strictly enforced.

13. The patent owner is reminded that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR §1.530(d)-(j).

14. Extensions of time under 37 CFR §1.136(a) will not be permitted in this proceeding because the provisions of 37 CFR §1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 USC §305 requires that reexamination proceedings "will be conducted with special dispatch." Extensions of time in Ex Parte reexamination proceedings are provided for in 37 CFR §1.550(c).

The patent owner is reminded of the continuing responsibility under 37 CFR §1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the patent throughout the course of this reexamination proceeding. See MPEP §§2207, 2282, and 2286. The third party is also reminded of the ability to apprise the office of such activity.

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

By Mail to: Mail Stop Ex Parte Reexam
Attn: Central Reexamination Unit

Art Unit: 3992

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

17. 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/
Reexamination Specialist, AU3992

Conferees:

DJH
