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10/162,701	06/06/2002	Xin Wang	111325-290100	6475
22204	7590	07/27/2010	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			AUGUSTIN, EVENS J	
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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
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8 *Ex parte* XIN WANG,
9 THANH TA,
10 GUILLERMO LAO, and
11 EDDIE J. CHEN
12

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14 Appeal 2009-011700
15 Application 10/162,701
16 Technology Center 3600
17

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19 Decided: July 27, 2010
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21
22 Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and BIBHU R.
23 MOHANTY, *Administrative Patent Judges*.
24 FETTING, *Administrative Patent Judge*.

25 DECISION ON APPEAL¹
26

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

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STATEMENT OF THE CASE

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Xin Wang, Thanh Ta, Guillermo Lao, and Eddie J. Chen (Appellants) seek review under 35 U.S.C. § 134 (2002) of a final rejection of claims 1-18 and 28-29, the only claims pending in the application on appeal.

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We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

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SUMMARY OF DECISION²

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We AFFIRM.

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THE INVENTION

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The Appellants invented a method for transferring rights associated to items from a rights supplier to a rights customer. Specification ¶¶ 0008.

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An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added].

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1. A method for transferring rights adapted to be associated with items from a rights supplier to a rights consumer, said method comprising:

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[1] obtaining a set of rights associated with an item, said set of rights including a meta-right, wherein the meta-right is provided in digital form, is enforceable by a repository, and specifies a derivable right that can be derived from exercising

² Our decision will make reference to the Appellants' Appeal Brief ("App. Br.," filed September 15, 2008) and the Examiner's Answer ("Ans.," mailed January 7, 2009), and Final Rejection ("Final Rej.," mailed May 24, 2006).

1 the meta-right by the rights consumer, a condition that must be
2 satisfied to exercise the meta-right, and a state variable related
3 to the condition, said derivable right being another meta-right
4 or a usage right, whereby the meta-right is distinct from any
5 usage rights specifying how the item can be used and
6 distributed;

7 [2] determining by a repository whether the rights consumer
8 is entitled to exercise the meta-right to derive the derivable right
9 specified by the meta-right; and

10 [3] if the rights consumer is entitled to exercise the meta-
11 right to derive the derivable right specified by the meta-right,
12 deriving the derivable right and generating a license including
13 the derived right, said license being enforceable by a repository.

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THE REJECTIONS

16 The Examiner relies upon the following prior art:

Downs et al. US 6,226,618 B1 May 1, 2001

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18 Claims 1-18 and 28-29 stand rejected under 35 U.S.C. § 102(b) as being
19 anticipated by Downs.

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ISSUES

21 The issue of whether the Examiner erred in rejecting claims 1-18 and 28-
22 29 under 35 U.S.C. § 102(b) as being anticipated over Downs turns on
23 whether Downs describes meta-rights as required by the claimed invention.

24

FACTS PERTINENT TO THE ISSUES

25 The following enumerated Findings of Fact (FF) are believed to be
26 supported by a preponderance of the evidence.

1 *Facts Related to the Prior Art*

2 *Downs*

3 01. Downs is directed to a system and related tools for the secure
4 delivery and rights management of digital assets, such as print
5 media, films, games, and music over global communications
6 networks. Downs 1:52-57.

7 02. Downs describes a digital content electronic distribution system
8 that has a rights management architecture which consists of layers
9 to protect the usage of content. Downs 19:40-45. A content usage
10 layer permits the specification and enforcement of the conditions
11 or restrictions imposed on the use of content at end user devices.
12 Downs 21:23-26. Conditions may specify the number of plays
13 allowed for the content, whether the creation of a secondary copy
14 is permitted, the number of secondary copies, or whether the
15 content can be copied to an external device. Downs 21:26-30.
16 The content provider sets the allowable usage conditions and
17 transmits them to the electronic store. Downs 21:30-33. The
18 electronic store can add to or narrow the usage conditions, as long
19 as the original conditions are not invalidated, and then transmit the
20 usage conditions to the end user device. Downs 21:33-39.

21 03. The content provider creates metadata container and a content
22 container for every content distributed. Downs 23:37-39. The
23 metadata secure container includes metadata (such as artist name,
24 CD cover art, or other content dependant parts), usage conditions,

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