UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,836	07/21/1999	LISA T. WOOD	032374-003	9787

21839   7590   11/23/2001

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA   22313-1404

EXAMINER
BUI, TRONG D.

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 11/23/2001

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

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance 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.

Disposition of Claims

4) ☒ Claim(s) *1-6* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-6* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

DETAILED ACTION

Drawings

1.   The drawings filed on July 21, 1999 are acceptable subject to correction of the

informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review,"

PTO-948. In order to avoid abandonment of this application, correction is required.

Claim Objections

2.   Claims 3 – 6 are objected to under 37 CFR 1.75(c) as being in improper form

because a multiple dependent claim should refer to other claims in the alternative only.

See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the

merits.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 2, 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for the use of alternative limitations is not permitted in the claims. The

alternative limitations recited in Claim 2 include "Changing the aspect ratio or otherwise

cropping", "Changing the orientation or otherwise rotating…" and "Combining (including

stitching) of multiple media objects, or Enhancing the image by changing its contrast".

Claim 5 recites the alternative limitation, "media object is associated or processed".

Claim 6 recites the alternative limitation, "generated dynamically or generated from pre-

set instructions". The claims must be amended to include positive limitations, clearly

reciting what applicant regards as the invention.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made. ·

6.   Claims 1 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,035,323 to Narayen et al. in view of Netscape Communications

Corporation's *Netscape Communicator 4.75* software.

Narayen et al. discloses methods and apparatuses for publishing a collection of

digital media to the Internet using a picture management software. Regarding Claim 2,

Narayen et al. discloses step 247 (in FIG. 6A), allowing a user to enter caption or title

("Adding text or other annotation") to each image ("media object") before sending the

image to the server computer system 701 ("second location") for publishing.

Regarding Claim 5, Narayen et al. discloses a layout and style window 1301 (in

FIG. 13), allowing a user to change the layout of the current page containing multiple

pictures (images) or the layout of the entire album containing multiple pages containing

multiple pictures. Changing the layout of a page (containing multiple pictures) would

constitute processing or changing the location or "changing the orientation" (Claim 2,

Line13) of "more than one media object" "simultaneously" (Claim 5, line 1-2).

Regarding Claim 6, Narayen et al. discloses a signature generator and

comparator 641 (in FIG. 10) that creates a signature ("media object identifier") for each

picture in the picture album. Therefore a picture album containing multiple pictures would constitute the generation of multiple signatures ("media object identifiers").

Regarding Claims 1, 3, and 4, Narayen et al.'s disclosure is very similar in that Narayen et al. teaches step 225 in which images ("media object") are acquired ("transporting") from a file storage device such as a hard disk ("first location") and stored in the picture management software system. The picture management system creates a signature for each image acquired, thereby "associating the media object with" a "media object identifier". An album or collection of images is also created using the picture management system. Then in step 227, the picture management system transmits the album format data and signatures to the computer server system 701 ("second location") for publishing. However, Narayen et al. does not explicitly disclose whether the picture management system (used to acquire the images) is a web page (as recited in Claim 1) or not. Furthermore Narayen et al. does not disclose methods for associating the image (on a file storage device such as a hard disk) to its signature in the picture management system via "dragging" the image to the Web page (as recited in Claim 3) and associating the image via "browsing and selecting files on the first location" (as recited in Claim 4). But as described in the Help file (page 9, Inserting an Image section) of Netscape Communication Corp.'s *Netscape Communicator 4.75* software (*Netscape Composer* component), an image can be inserted via dragging and dropping (as recited in Claim 3) the image into *Netscape Composer* (which corresponds to the recited "Web page" in Claim 1, since *Netscape Composer* is a component of Communicator, a web browser). The Inserting an Image section of the Help file also

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.