

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Control No.: 90/012,987

Confirmation No.: 7602

Filing Date: September 10, 2013

Re: U.S. Patent No. 7,765,482

Examiner: John S. Heyman

Art Unit: 3992

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**Mail Stop: *Ex Parte* Reexam**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PATENT OWNER'S RESPONSE TO OFFICE ACTION**

The following remarks are submitted in response to the Office Action of January 31, 2014. Reconsideration of this matter in view of these remarks is respectfully requested.

**IN THE CLAIMS:**

The following is a listing of claims 38, 40, 44-46 and 49 of U.S. Patent No. 7,765,482 (“the ‘482 Patent”), which are subject to reexamination in this proceeding.

38. (As Issued) A computer implemented method for pre-processing digital content in a client device for subsequent electronic distribution, comprising:

a. initiating, by said client device, a transfer of digital content from said client device to a server device, said digital content including one or more of image content, video content, and audio content;

b. pre-processing said digital content at said client device in accordance with one or more pre-processing parameters, said one or more pre-processing parameters being provided to said client device from a device separate from said client device, said one or more pre-processing parameters controlling said client device in a placement of said digital content into a specified form in preparation for publication to one or more devices that are remote from a server device and said client device; and

c. transmitting a message from said client device to said server device for subsequent distribution to said one or more devices that are remote from said server device and said client device, said transmitted message including said pre-processed digital content.

40. (As Issued) The method of claim 38, further comprising receiving an identification of said digital content for transmission prior to said pre-processing.

44. (As Issued) The method of claim 38, wherein said transmitted message includes identifying information for said digital content.

45. (As Issued) The method of claim 44, wherein said identifying information is retrieved from storage in said client device.

46. (As Issued) The method of claim 45, wherein said identifying information includes a file name.

49. (As Issued) The method of claim 45, wherein said identifying information includes user information.

## REMARKS

### I. INTRODUCTION

#### A. Status of the Claims

Claims 38, 40, 44-46 and 49 of the '482 Patent stand rejected as follows:

- Ground #1 - Claims 38, 40, 44-46 and 49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,930,709 to Creamer et al. ("Creamer")<sup>1</sup>
- Ground #2 - Claims 38, 40, 44-46 and 49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,038,295 to Mattes ("Mattes")
- Ground #3 - Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mattes in view of Creamer

#### B. Statement Regarding Concurrent Proceedings

The '482 Patent is the subject of the litigation *Summit 6 LLC v. Samsung Electronics Co., et al.*,<sup>2</sup> Case No. 2013-1648, -1651, currently pending in the United States Court of Appeals for the Federal Circuit. This appeal is from the United States District Court for the Northern District of Texas in Case No. 11-CV-0367, which entered a judgment in favor of Summit 6, LLC on all of its claims.

The '482 Patent is also the subject of the litigation *Summit 6 LLC v. HTC Corp., et al.*,<sup>3</sup> Case No. 7:14-cv-00014, currently pending in the United States District Court for the Northern District of Texas.

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<sup>1</sup> Contrary to the assertion at page 2 of the Attachment to the Request for Ex-Parte Examination, Creamer was considered by the Examiner on February 2, 2009. Creamer is also listed on page 2 of the '482 Patent.

<sup>2</sup> Also at issue in the Summit 6 litigation is U.S. Patent No. 6,895,557.

<sup>3</sup> Also at issue in the Summit 6 litigation is U.S. Patent No. 8,612,515.

**C. Information Disclosure Statements**

In accordance with the duty of disclosure, information disclosure statements (IDSs) are being submitted concurrently with this response either in electronic or paper form. It is respectfully requested that the cited references be considered by the Examiner. The submission of these IDSs is not to be construed as a representation that a search has been made in the subject reexamination and is not to be construed as an admission that the information cited in this statement is material to patentability. The filing of these IDSs shall not be construed to be an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

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