

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

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")¹
- 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.*,² 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.*,³ Case No. 7:14-cv-00014, currently pending in the United States District Court for the Northern District of Texas.

¹ 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.

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

³ 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.

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.