

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

In re Patent Application of:  
John C. Harvey *et al.*

Application No.: 08/449,413

Filed: May 24, 1995

For: SIGNAL PROCESSING APPARATUS AND  
METHODS

Confirmation No.: 1756

Art Unit: 2600

Examiner: Groody, James J.

**SUPPLEMENTAL AMENDMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This application had been suspended since 2005 and held in abeyance from examination by the Office pending final action in a corresponding so-called "A" application, U.S. Patent Application, Serial No. 08/449,263. This suspension was based on an agreement made between Applicants and the Office to consolidate or group the claims of Applicants' then pending applications which had been filed prior to June 8, 1995, into a smaller number of applications. This so-called consolidation agreement resulted from a series of interviews conducted from November 1998 through June 1999 between Applicants' representatives and the Office. In those interviews, senior Office management suggested that further examination of this application and Applicants' other related applications could be expedited by reducing the number of pending applications. Accordingly, Applicants agreed to consolidate their claims into 56 subject matter groups and to reduce the number of pending applications accordingly. Applicants' agreement

was based on the Office's view that it would be helpful to the Office to examine the claims of the subject matter groups together.

For each subject matter group, the applications were separated based on whether priority was claimed to Applicants' initial 1981 Application (U.S. Serial No. 06/317,510) or their initial 1987 Continuation-in-Part Application (U.S. Serial No. 07/096,096). The claims from all applications in a group having the same priority claim were added to a single application designated an "A" application. The remaining applications were abandoned with the exception of one so-called "B" application corresponding to each "A" application.

Under this agreement, the PTO suspended prosecution in the "B" applications pending final action in the corresponding "A" applications. Further, the parties agreed to conduct interviews in the "A" applications so that the prosecution of those applications could be efficiently advanced. Under the agreement, subject matter not found to be allowable during prosecution of an "A" application may be further prosecuted in the "B" application while the "A" application would be allowed to issue. In good faith reliance on this consolidation agreement, Applicants abandoned 169 of their 329 pending applications and filed numerous amendments adding to the designated "A" applications various claims that had been pending in the abandoned applications and the designated "B" applications.<sup>1</sup>

On May 9, 2000, Applicants amended the DECR 81 group "A" application, U.S. Patent Application Serial No. 08/449,263, in accordance with the aforementioned agreement. Claims from related DECR 81 applications were added to the DECR 81 group "A" application.

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<sup>1</sup> As a result of the consolidation, Applicants paid excess claim fees for many of the claims that were added to the designated "A" applications, even though Applicants previously paid excess claim fees for those claims when they had been added to the abandoned applications and the designated "B" applications.

Applicants amended some of the “A” Claims on March 8, 2002. In late 2002 and early 2003, reexamination requests were filed and granted as to Applicants’ seven previously issued patents. Subsequent to the initiation of these reexamination proceedings, the Director of Technology Center 2600 decided to suspend prosecution of this application and the related “A” application pending resolution of the reexamination proceedings for the issued patents and the prosecution to appeal to the Board of Patent Appeals and Interferences (“Board”) of two of Applicants’ pending applications, (1) the INTE application (U.S. Patent Application, Serial No. 08/470,571) and (2) the MULT application (U.S. Patent Application, Serial No. 08/487,526). As a result of this decision, the DECR 81 group “A” application (U.S. Patent Application, Serial No. 08/449,263) was suspended through a number of six month Suspension Notices until January 2009. Consequently, no formal response was made regarding the “A” Claims.

In 2009, as the reexamination proceedings for Applicants’ issued patents had been substantially completed and decisions had been issued by the Board in the INTE and MULT applications, Applicants requested that the suspension of their various applications be terminated.

This request was granted in the spring of 2009 and, as a result, applicants met with Examiner Minh Dieu T. Nguyen for a number of personal interviews in January 2010. An agreement was made to cancel or amend numerous of the “A” Claims so that the DECR 81 group “A” application (U.S. Patent Application Serial No.08/449,263) could issue.

In the instant application, DECR 81 group “B” (U.S. Patent Application Serial No. 08/449,413), Applicants filed a Supplemental Amendment Under 37 C.F.R. §1.115 on May 9,

2000. Applicants canceled all claims except for claim 2, which they amended. The Examiner then suspended the application according to the above mentioned consolidation agreement.

Consistent with the consolidation agreement between the Applicants and the Office, Applicants now wish to pursue the subject matter within the scope of the “A” Claims of the DECR 81 group “A” application (U.S. Patent Application Serial No. 08/449,263) by claiming such subject matter that was not patented in the “A” application in the instant “B” application. Claims 22-55 correspond to various claims of the “A” application with additional amendments that Applicants believe place the claims in condition for allowance. In order to aid the Examiner in understanding the amendments to the claim, Applicants have attached a marked up copy of the claims (Appendix A) indicating the differences between the “A” Claims and the amended form submitted herein as claims 22-55.

Applicants believe that claims 22-55 overcome the prior art, and should place the above-identified patent application in condition for allowance. Applicants respectfully request favorable consideration of the above-identified patent application in view of the following remarks.

Claim 2 which is currently pending in this application will be cancelled.

**Amendments** to the claims begin on page 5.

**Remarks** begin on page 14.

## AMENDMENT TO THE CLAIMS

*Applicants request entering the below amendments to the claims. New claims 22-55 are added. Claim 2 is cancelled. Claims 22-55 are the only pending claims.*

1 – 21. (Cancelled)

22. (New) A method for controlling the decryption of encrypted programming at a subscriber station, said method comprising the steps of:

receiving encrypted programming, said encrypted programming having an encrypted control signal;

detecting said control signal;

passing said control signal to a decryptor at said subscriber station;

decrypting said control signal;

decrypting said encrypted programming to form decrypted programming based on said control signal; and

presenting said decrypted programming to a viewer or listener.

23. (New) A method for controlling the decryption of programming at a subscriber station, said method comprising the steps of:

receiving programming, said programming having a first encrypted digital control signal portion and an encrypted digital information portion;

detecting said first encrypted digital control signal portion of said programming;

passing said first encrypted digital control signal portion of said programming to a first decryptor at said subscriber station;

decrypting said first encrypted digital control signal portion of said programming using said first decryptor at said subscriber station;

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