APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
VU, H

ART UNIT	PAPER NUMBER
2607	10

DATE MAILED:
12/10/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☑ Responsive to communication(s) filed on ___6-12-96___

☐ This action is **FINAL.**

☐ 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 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ___3___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☑ Claim(s) ___3-9___ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) ___3-9___ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

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

Priority under 35 U.S.C. § 119

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

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☑ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

– SEE OFFICE ACTION ON THE FOLLOWING PAGES –

PTOL-326 (Rev. 10/95)   * U.S. GPO: 1996-409-290/40029

1.   Preliminary amendments of 6/7/95 and 6/12/96 have been received and entered. Claims 1 and 2 have been canceled. Information disclosure statements filed on 12/11/95, 12/22/95, 2/6/96 and 4/17/96 have also been received and considered.

2.   Claim 5 is objected to because of the following informalities: disabled information and instruct-to-enable information are not the same. Therefore, the claim seems to be self-contradictory. Words such as "include" or "comprise" perhaps would have better served the intended meaning of the claim than the existing word "is" in line 1 of claim 5. Appropriate correction is required.

3.   Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

        Regarding claim 8, line 13, the recitation "said broadcast or cablecast transmission" lacks proper antecedent basis.

        Regarding claim 9, line 19, the recitation "said instruct-to-enable signal" lacks clear antecedent basis since it is unclear as to whether it refers to the instruct-to-enable signal generated by the transmission station (see line 10) or to the instruct-to-enable signal generated by the receiver station (see line 14). Referring to lines 18-19, the recitation "said transmitter station" also lacks clear antecedent basis.

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 3-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by

Fletcher et al (hereinafter referred to as Fletcher) (USP 4,504,911).

As to claim 3, Fletcher teaches a system for enabling programming presentation

at a receiver station. The system comprises a tuner and demod 308 as a receiver for

receiving at least some of an information transmission, video processor 306,

comparator 302, buffer 304, generator 326, video and sync recombiner 328 as one

or more enabling devices, microprocessor 310 (processor) and CRT 330) as an output

device. Tuner and demod 308 of terminal 300 receives an information transmission

from a remote data base (receiving information transmission from remote source)

wherein the information transmission comprises disabled video signals. The

comparator 302 and buffer 204 of terminal 300 together identify a permission

message and pass it to microprocessor 310 for processing (detecting the presence of

instruct-to-enable signal and passing it to processor). In response to the received

permission message microprocessor 310 of terminal 300 adjusts the way in which

terminal 300 grabs the specific control program (modifying a station in which the

station locates, identifies, or receives enabling information). Terminal 300 then loads

in the selected control program based on the page numbers defined in the permission

message (locating, identifying, or receiving enabling information). The control program enables terminal 300 to grab rows of video signals for displaying on the terminal display (enabling disable information and outputting programming presentation). See figures 4-7, col. 8, lines 53-62, col. 9, lines 33-40 and lines 47-67, col. 42, lines 7-10, col. 43, lines 5-12 and col. 49, lines 28-36.

As to claim 4, the control programs correspond to the enabling information or the second instruct-to-enable signal. Terminal 300 outputs the video signals based on the received control programs.

As to claim 5, the programming video signals correspond to the second instruct-to-enable signal. The control programs are stored in the local memory 332 of terminal 300. See col. 44, lines 33-48.

As to claim 6, the storage of the control programs in the local memory 332 evidences the reception and identification of control programs.

As to claim 8, since terminal 300 can further communicate and transmit the one of the received programs to a remote device via a processor controlled port of I/O interface 314 (see col. 45, lines 46-58), terminal 300 serves as both a receiver station and a transmitter station. The permission message (instruct-to-enable signal) is generated by the remote data base. The video signals and the permission message are broadcasted over a TV distribution system.

6.   Claims 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Block

et al (hereinafter referred to as Block) (USP 4,225,884).

As to claim 3, Block teaches a method and system for enabling program

presentation at a subscriber station equipment which comprises receiver 22,

unscrambler 24 (enabling device), control unit 26 (processor), modulator 28 (output

device). Receiver 22 receives the disabled television programming from the central

station equipment (receiving an information transmission containing disabled

information). The knob selection signal from subscriber control unit 30 is passed to the

combination of category code generator which is a part of the control unit 26

(processor). The category code generator then generates a category code signal which

os used by the control unit to modify the fashion in which the unit locates, identifies,

or receives category programs and their corresponding program scrambling codes and

unscramble control signals VCS' and ACS' (modifying a fashion in which the station

locates, identifies, or receives enabling information). The station then locates and

receives a scrambling code signal RSC and unscramble control signals VCS' and ACS'

(locates, identifies and receives enabling information). Unscrambler 24 then

unscrambles the scrambled program based on the unscramble control signals VCS'

and ACS' (enabling disabled information based on the step of locating enabling

information). Finally, modulator 28 outputs the program presentation based on the

unscrambled program it receives from unscrambler 24. See figures 1-4 and 6, col. 3,

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