UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/143,011	06/02/2005	Detlef Wiese	GK-EIS-1028C/500593.20017	8235

26418   7590   12/10/2007

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

EXAMINER
VO, HUYEN X

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
12/10/2007	PAPER

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

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	11/143,011	WIESE ET AL.
	Examiner	Art Unit
	Huyen X. Vo	2626

-- 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) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 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 <u>02 June 2005</u>.

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) <u>37-73</u> 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    4a) Of the above claim(s) _____ is/are withdrawn from consideration.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) <u>37-73</u> 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 <u>02 June 2003</u> 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).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ 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.

Attachment(s)

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

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

3)☒ Information Disclosure Statement(s) (PTO/SB/08)

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

5)☐ Notice of Informal Patent Application

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   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.

2.   Claims 37-38, 41, 44, 46-47, 49-51, and 54-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi (EP 0417739).

3.   Consider claim 37, Taniguchi discloses a method of encoding signals, in particular digitized audio signals, with an encoding device for encoding the signal in an encoding format and a processing device for processing of the encoded signal, comprising the steps of:

automatically selecting the encoding format dependent on the properties of the processing device (*see fig. 2, element 6 or page 5, lines 39-58*); and

employing at least one of the following steps for determining the selected coding format (*see fig. 2, element 6 or page 5, lines 39-58*).

ascertaining the properties of the processing device by a signal directed to the processing device (*see page 6 line 3-37*); and

calling out the properties (*see fig.2, 4*) of the processing device from a storage means (*see page 7 line 31-39*).

4.   Consider claims 38 and 41, Taniguchi teaches the processing device includes at

least one of a transmitting device for transmission of the encoded signal (see fig.2, 1_1-

1_m) and a storage device (4 and page 7 line 31-39) for storage of the encoded signal

and a decoding device for decoding of the encoded signal (see page 6 line 4-15); and

the prior to determining the encoding format, the properties of the processing device are

ascertained a test signal directed to the processing device (see page 8 line 27-30).

5.   Consider claim 44 and 46-47, Taniguchi further discloses the properties of the

processing device are called up out of a storage means prior to encoding (see page 7

line 31-39); and the signal is digitized prior (such as CELP) to the encoding operation

(see page 6 line 38-43); and the signal is encoded in a bit rate-reduced (LPC) encoding

format (see page line 38-51).

6.   Consider claims 49-50, Taniguchi teaches the method of the transmission and/or

storage devices of varying capacity are available as processing devices and prior to

transmission and / or storage of the signals, in the case of signals of higher quality, that

is to say with a larger amount of data, a transmission device and/or storage device of

larger capacity is selected and in the transmission and/or storage of signals of lower

quality, that is to say with a smaller quantity of data, a transmission device and/or

storage device of smaller capacity is selected (see page 7 line 31- page 8 line 21); and

the signals to be sent are audio signals, wherein the audio signals are encoded in bit

rate-reduced form by the encoding device, wherein a plurality of transmission channels

and/or bit rates are available for transmission of the signal and wherein the transmission

channel and/or the bit rate in the transmission are so selected that the signal can be transmitted in real time (see page 8 line 27-50).

7.   Consider claim 51, Taniguchi teaches a fixedly preset (see fig.5b, 306a, 306b, 306c) computing power (code rate)is inherently adopted for operation in real time (see col. 1 line 10-37).

8.   Consider claim 54, Taniguchi teaches a method of encoding signals, in particular digitized audio signals, with an encoding device (see fig.2, 1_1-1_m) for encoding the signal in an encoding format and a processing device (2-7) for processing of the encoded signal, said method including the step of determining the encoding format dependent on the properties of the encoding device (see abstract and page 5 line 39-page 6 line 37).

9.   Consider claims 55 Taniguchi teaches the encoding format is determined by a control device (see fig.2, 4 and 5 and abstract and page 5 line 39-page 6 line 37).

10.   Claims 56-60 and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomoyuki (EP0327101).

11.   Consider claims 56 and 73, Tomoyuki teaches apparatus for encoding signals comprising:

a processing device (see fig.5a, 310,302,304); and

Explore Litigation Insights

DOCKET ALARM

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.

---

fastcase®
Smarter legal research.