

Terminal Disclaimer

1. The terminal disclaimer filed on 3/9/00 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of prior Patent No. 5,761,606 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Amendment

2. The affidavit filed on 3/9/00 under 37 CFR 1.131 is sufficient to overcome the Honey et al (5,912,700) reference.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton et al (5,818,441).

As to claim 18, note the Throckmorton et al reference, Figure 4, which discloses a system which inserts data associated with a broadcast television program into the vertical blanking interval of a television signal. On the receiving side, the system includes a computer capable of

receiving the television program and storing the associated data locally. The addition of a two-way channel allows the user to access online services or the Internet. Further, when the associated data contains pointers (i.e., URLs) to locations across the two-way channel, the user can access information of particular relevance to the television program. The reference differs from that claimed in that it is silent as to whether or not the user is provided with an explicit indication of the presence of an address. Rather, the reference merely discloses that associated data is stored locally at the time that the primary data stream is rendered, and available thereafter for browsing by the user using, for example, a menu, col. 7, lines 65+. However, this is not considered to be a patentable distinction. That is, it was notoriously well-known in the art at the time of the invention to provide indications, either audibly or visually, of the occurrence, or forthcoming occurrence, of additional data transmitted along with television programming. One example of the use of such audible or visual indications is for emergency warning data and the like. The examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time the invention was made to implement such teachings in the Throckmorton et al reference in order to alert the viewer to the presence or future occurrence of nonvideo data.

Claims 19-29 are met by that discussed above.

Art Unit: 2711

Response to Arguments

5. Applicant's arguments with respect to claims 18-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ on _____
(Date)

Application/Control Number: 09/054,740

Page 5

Art Unit: 2711

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any response to this action should be:

(a) mailed to: Commissioner of Patents and Trademarks

Washington, D.C. 20231

(b) or faxed to: (703) 308-6306 or (703) 308-6296 for either formal communications intended for entry, or informal or draft communications (please label "PROPOSED" or "DRAFT")

(c) or hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John W. Miller whose telephone number is (703) 305-4795. The examiner can normally be reached on Monday through Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached at (703) 305-4380. The fax phone number for this Group is (703) 308-5359.

Application/Control Number: 09/054,740

Page 6

Art Unit: 2711

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-4700.



John W. Miller

June 5, 2000

John W. Miller
Primary Examiner
Art Unit 2711

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.