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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

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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.

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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.

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Typed or printed name of person signing this certificate:

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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.

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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
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