Claim 32 (currently amended): A non-transitory computer-readable medium containing machine executable instructions that, when executed by a processor on a digital camera device with short-range wireless capability, cause the processor to perform a method comprising:

acquiring new-media, wherein the new-media is acquired after establishing a short-range paired wireless connection between the digital camera device and a cellular phone, and wherein the short-range paired wireless connection is one of a Bluetooth paired wireless connection, a Wi-Fi paired wireless connection, and other personal area wireless networking technologies that use pairing;

creating a new-media file using the acquired new-media;

storing the created new-media file in a first non-volatile memory of the digital camera device;

receiving a data transfer request initiated by a software application on the cellular phone, over the established short-range paired wireless connection, wherein the data transfer request is for the already created new-media file, and wherein the new-media file was created in the digital camera device before receiving the data transfer request; and

transferring the new-media file to the cellular phone, over the established short-range paired wireless connection, wherein the cellular phone is configured to receive the new-media file, wherein the cellular phone is configured to store the received new-media file in a second non-volatile memory device of the cellular phone, and wherein the cellular phone is configured to use HTTP to upload the received new-media file along with user information to a user media publishing website.

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Claim 33 (currently amended): The non-transitory computer-readable medium of claim 32, further comprising executable instructions that when executed by the processor of the digital camera device, cause the processor to perform:

creating an associated file, wherein the associated file comprises data associated with the new-media;

storing the associated file in the first non-volatile memory of the digital camera device; and

transferring the associated file to the cellular phone, over the established short-range paired wireless connection, wherein the cellular phone is configured to receive the associated file, [[and]] store the received associated file in the ~~second~~ non volatile memory device of the cellular phone.

Claim 34 (currently amended): The non-transitory computer-readable medium of claim 32, wherein the user information corresponds to user related information used by the user media publishing website to ~~process~~ publish the new-media file.

Claim 35 (previously presented): The non-transitory computer-readable medium of claim 32, wherein the new-media comprises one or more of video data and image data.

Claim 36 (previously presented): The non-transitory computer readable medium of claim 32, wherein establishing the short-range paired wireless connection comprises, the digital camera device cryptographically authenticating identity of the cellular phone.

Claim 37 (currently amended): The short-range wireless enabled digital camera device of claim 10, wherein the short-range wireless enabled digital camera ~~communication module~~ device cryptographically authenticates identity of the cellular phone.

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Claim 38 (currently amended): The system of claim 21, wherein the ~~short-range wireless communication module~~ <u>digital camera device</u> cryptographically authenticates identity of the cellular phone.

Claim 39 (new): The short-range wireless enabled digital camera device of claim 10, wherein the short-range paired wireless connection is one of a Bluetooth paired wireless connection, a Wi-Fi paired wireless connection, and other personal area wireless networking technologies that use pairing.

Claim 40 (new): The machine-implemented method of claim 1, wherein a graphical user interface (GUI) is provided in the cellular phone, and wherein the GUI is for the received new-media file and to delete the created new media file.

Claim 41 (new): The system of claim 21, wherein said software application is further configured to control the processor of the cellular phone to use HTTP to upload the received new-media file along with user information to a user media publishing website.

Claim 42 (new): The non-transitory computer readable medium of claim 32, wherein the short-range paired wireless connection is one of a Bluetooth paired wireless connection, a Wi-Fi paired wireless connection, and other personal area wireless networking technologies that use pairing.

Claim 43 (new): The short-range wireless enabled digital camera device of claim 10, wherein the short-range paired wireless connection is one of a Bluetooth paired wireless connection, a Wi-Fi paired wireless connection, and other personal area wireless networking technologies that use pairing.

Claim 44 (new): The system of claim 21, wherein the short-range paired wireless connection is one of a Bluetooth paired wireless connection, a Wi-Fi paired wireless connection, and other personal area wireless networking technologies that use pairing.

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Claim 45 (new): The short-range wireless enabled digital camera device of claim 12, wherein the mobile software application that when executed by the processor of the cellular phone is further configured to control the processor of the cellular phone to receive input from the GUI to delete the created associated file.

Claim 46 (new): The system of claim 22, wherein the software application that when executed by the processor of the cellular phone is further configured to control the processor of the cellular phone to delete the created associated file based on input received from the GUI.

Claim 47 (new): The non-transitory computer readable medium of claim 32, wherein a graphical user interface (GUI) is provided in the cellular phone, and wherein the GUI is for the received new-media file and to delete the created new media file.

Remarks

The pending claims

Claims 1, 3, 4, 9, 10, 12, 13, 19, 21-26, and 32-47 are currently pending. Reconsideration and allowance of the pending claims is respectfully requested.

Summary of Office Action

Double Patenting

Claims 31-44 are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of copending Application No. 13295353.

Claims 31-44 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of parent Application No. 13295352.

Claims 1, 3-5, 7-10,12,13,19, 21-27, 29 and 31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 31-44 of parent Application No. 14533104.

Claim Rejections - 35 USC § 112

Claims 1, 3-4, 9, 12-13, 19, 21-26, 32-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Specification Objection

The disclosure is objected to because of the following informalities: Examiner has reviewed the specification of this application under examination and could not find

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support for the additional limitations as claimed described above. Appropriate correction is required.

Claim Rejections -35 USC § 103

Claims 1, 3-4, 9 are rejected under 35 Pre-AIA U.S.C. 103(a) as being unpatentable over Kennedy US 20030157960 in view of King US 20060029296 in view of Lin US 20050113131 further in view of Pryor US 20050273592.

Claims 10, 12-13, 19, 21-26, 32-38 are rejected under 35 Pre-AIA U.S.C. 103(a) as being unpatentable over Kennedy-King-Lin-Pryor further in view of Ihara US 20120089538.

Claims 3-4, 9, 12-13, 19, 21-26, 32-38 are rejected for similar reason as stated above.

Amendments to the claims

Claims 1, 3, 4, 10, 12, 19, 21-23, 25, 26, 32-34, 37 and 38 are currently amended; claims 2, 5-8, 11, 14-18, 20 and 27-31 were previously canceled; claims 9, 13, 24, 35 and 36 remain as previously presented; claims 39-47 are new.

Double Patenting

The office action states: "***Claims 31-44 are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of copending Application No. 13295353.***"

In response to the above rejection, applicant submits that Application No. 13295353 does not belong to the applicant. Therefore the above rejection is improper.

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The office action further states: "***Claims 31-44 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of parent Application No. 13295352.***"

In response to the above rejection, applicant submits that Application No. 13295352 does not belong to the applicant. Therefore the above rejection is improper.

The office action further states: "***Claims 1, 3-5, 7-10,12,13,19, 21-27, 29 and 31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 31- 44 of parent Application No. 14533104.***"

In response to the above rejection, applicant submits that the above rejection is improper since the non-statutory <u>double patenting rejection is being imposed</u> **upon itself**.

Claim Rejections-35 USC § 112

The office action further states: "**Claims 1, 3-4, 9, 12-13,19, 21-26, 32-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.**"

The office action states that, in claim 1, the applicant failed to sufficiently point out or describe: "wherein the data transfer request is for **the <u>already</u> created new-media file**": Examiner has reviewed the specification of this application under examination (and **OCR** whole document) and could not find support for the additional limitations as claimed.

In response, applicant submits that the above limitation in Claim 1 is fully supported in the applicant's original application.

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PROVIDE A CLIENT APPLICATION ON A BLUETOOTH ENABLED MOBILE DEVICE — 101

PROVIDE A BLUETOOTH COMMUNICATION DEVICE ON A DIGITAL DATA CAPTURE DEVICE IN ABSENCE OF INBUILT BLUETOOTH CAPABILITY — 102

PAIR THE BLUETOOTH COMMUNICATION DEVICE ON THE DIGITAL DATA CAPTURE DEVICE WITH THE BLUETOOTH ENABLED MOBILE DEVICE — 103

THE DIGITAL DATA CAPTURE DEVICE CAPTURES THE DATA AND THE MULTIMEDIA CONTENT — 104

THE CLIENT APPLICATION ON THE BLUETOOTH ENABLED MOBILE DEVICE DETECTS THE CAPTURED DATA, THE MULTIMEDIA CONTENT, AND ASSOCIATED FILES — 105

TRANSFER THE CAPTURED DATA, THE MULTIMEDIA CONTENT, AND THE ASSOCIATED FILES TO THE CLIENT APPLICATION ON THE BLUETOOTH ENABLED MOBILE DEVICE — 106

AUTOMATICALLY PUBLISH THE TRANSFERRED DATA AND MULTIMEDIA CONTENT ON WEBSITES USING THE CLIENT APPLICATION ON THE BLUETOOTH ENABLED MOBILE DEVICE — 107

Support for "Already created data" In Applicant Specification : Fig 1

"Capture" : Present Tense

"Captured" : Past Tense the thing that has Already happened

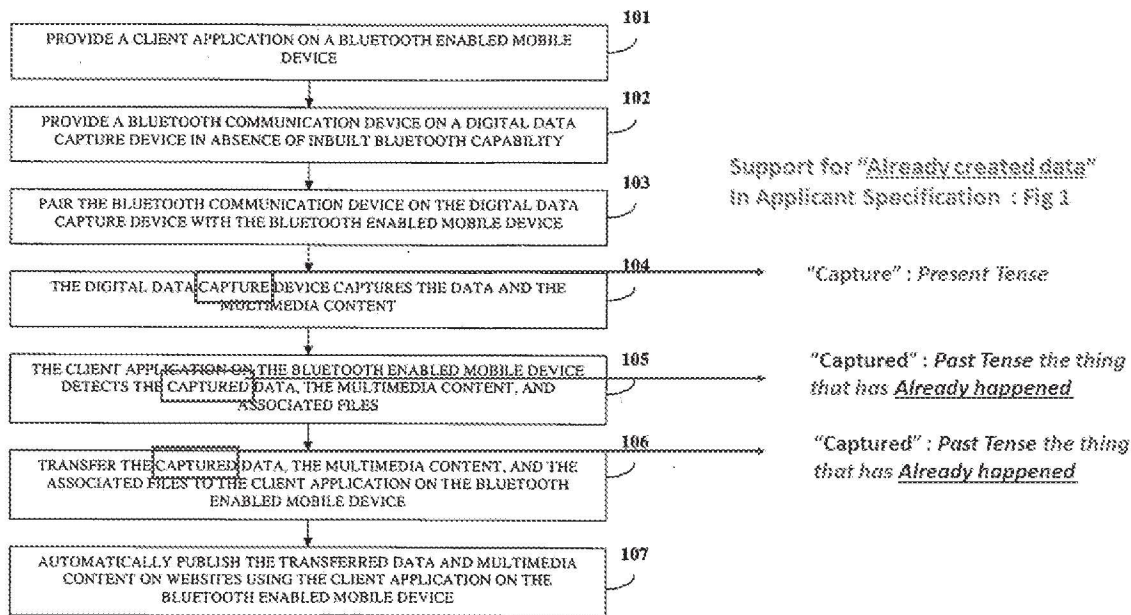*"Captured" : Past Tense the thing that has Already happened*

FIG. 1

In the method steps disclosed in **FIG.1** of applicant's original application, the steps **104**, **105** and **106** are performed one after the other in sequence.

Step **104** recites as follows: "THE DIGITAL DATA CAPTURE DEVICE CAPTURES THE DATA AND THE MULTIMEDIA CONTENT". It is clear that in this step, the new-media file is captured by the digital camera device.

Only after performing Step **104**, Step **105** is performed.

Step **105** recites as follows: "THE CLIENT APPLICATION ON THE BLUETOOTH ENABLED MOBILE DEVICE DETECTS THE CAPTURED DATA, THE MULTIMEDIA CONTENT, AND ASSOCIATED FILES". It is clear that the client application on the cellular phone is detecting the new media file captured in the previous step. Therefore the data transfer request from the cellular phone to the digital camera device is for the new-media file captured by the digital camera device before receiving the data transfer request.

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Only after performing Steps **104** and **105**, Step **106** is performed.

Step **106** recites as follows: "TRANSFER THE CAPTURED DATA, THE MULTIMEDIA CONTENT, AND THE ASSOCIATED FILES TO THE CLIENT APPLICATION ON THE BLUETOOTH ENABLED MOBILE DEVICE". **It is clear that the digital camera device is transferring the new-media file to the cellular phone _after_ receiving the data transfer request from the cellular phone. The new-media file that is transferred to the mobile phone is the new-media file that was created in the digital camera device _"before"_ receiving the data transfer request from the mobile phone.**

Furthermore, applicant has amended the limitation to remove the word "already" so that there is no ambiguity in the cited limitation.

Therefore, the limitation: "_receiving a data transfer request initiated by a mobile software application on the cellular phone, over the established short-range paired wireless connection, wherein the data transfer request is for the new-media file, and wherein the new-media file was created in the digital camera device before receiving the data transfer request_" in claim 1 is fully supported in the applicant's original application (see also the description in page 7, lines 1-12 of applicant's original application).

Applicant therefore respectfully requests that the rejection of claim 1 under 35 U.S.C. 112, first paragraph be reconsidered and withdrawn.

Claims 10, 21 and 32 are synonymous with claim 1. Applicant therefore respectfully requests that the rejection of claims 10, 21 and 32 under 35 U.S.C. 112, first paragraph be reconsidered and withdrawn.

Claims 3, 4 and 9 are dependent on claim 1. Claims 12, 13, 19 and 37 are dependent on claim 10. Claims 22, 23, 24, 25 and 26 and 38 are dependent on claim 21. Claims 33-36 are dependent on claim 32. Applicant therefore respectfully requests that

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the rejection of claims 3, 4, 9, 12, 13, 19, 22-26, and 33-38 under 35 U.S.C. 112, first paragraph be reconsidered and withdrawn.

Specification Objection

The office action further states: "***The disclosure is objected to because of the following informalities: Examiner has reviewed the specification of this application under examination and could not find support for the additional limitations as claimed described above. Appropriate correction is required.***"

In response, applicant submits that he has illustrated in the previous section that the limitation: "*receiving a data transfer request initiated by a mobile software application on the cellular phone, over the established short-range paired wireless connection, wherein the data transfer request is for the new-media file, and wherein the new-media file was created in the digital camera device before receiving the data transfer request*" in claim 1 is fully supported in the applicant's original application (see also the description in page 7, lines 1-12 of applicant's original application).

Applicant therefore respectfully requests that the specification objection be reconsidered and withdrawn.
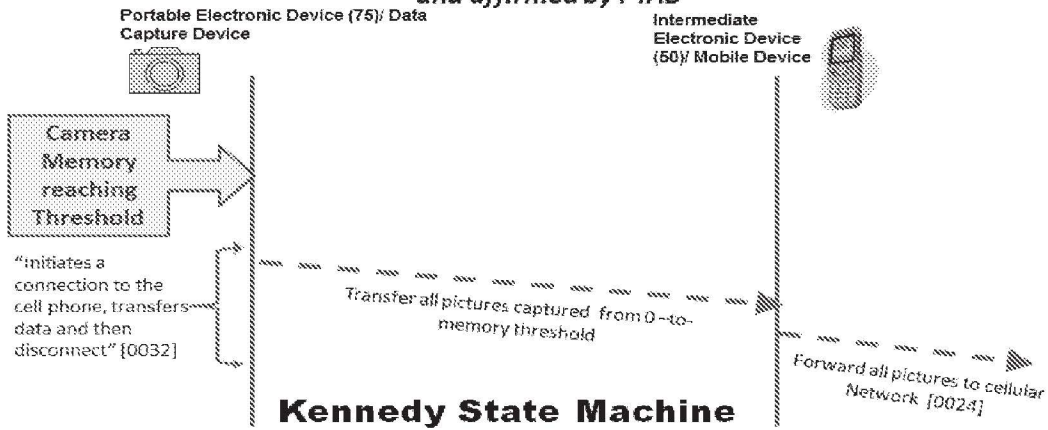
Claim Rejections 35 USC § 103

The office action further states: "**Claims 1, 3-4, 9 are rejected under 35 Pre-AIA U.S.C. 103(a) as being unpatentable over Kennedy US 20030157960 in view of King US 20060029296 in view of Lin US 20050113131 further in view of Pryor US 20050273592.**"
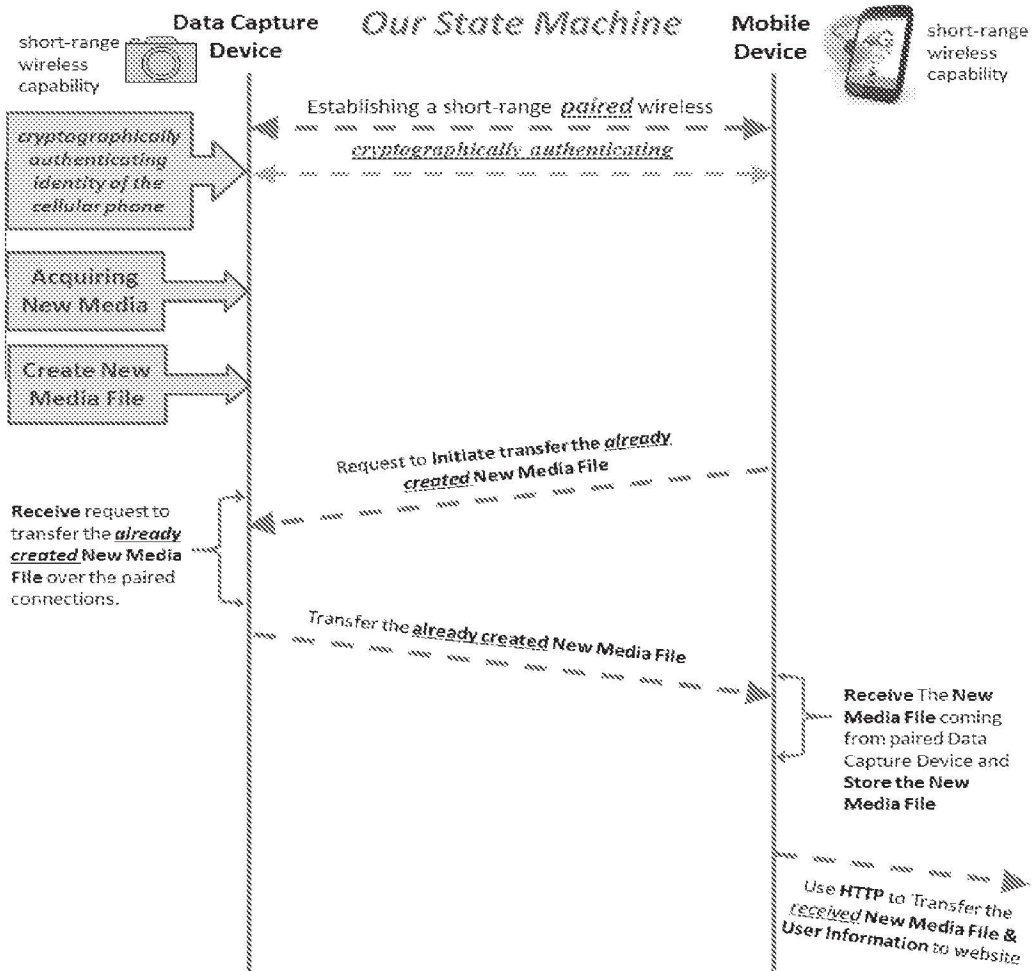
In response to the above rejection, applicant submits that Kennedy, in view of King, in view of Lin, further in view of Pryor does not teach all the limitations of claim 1.
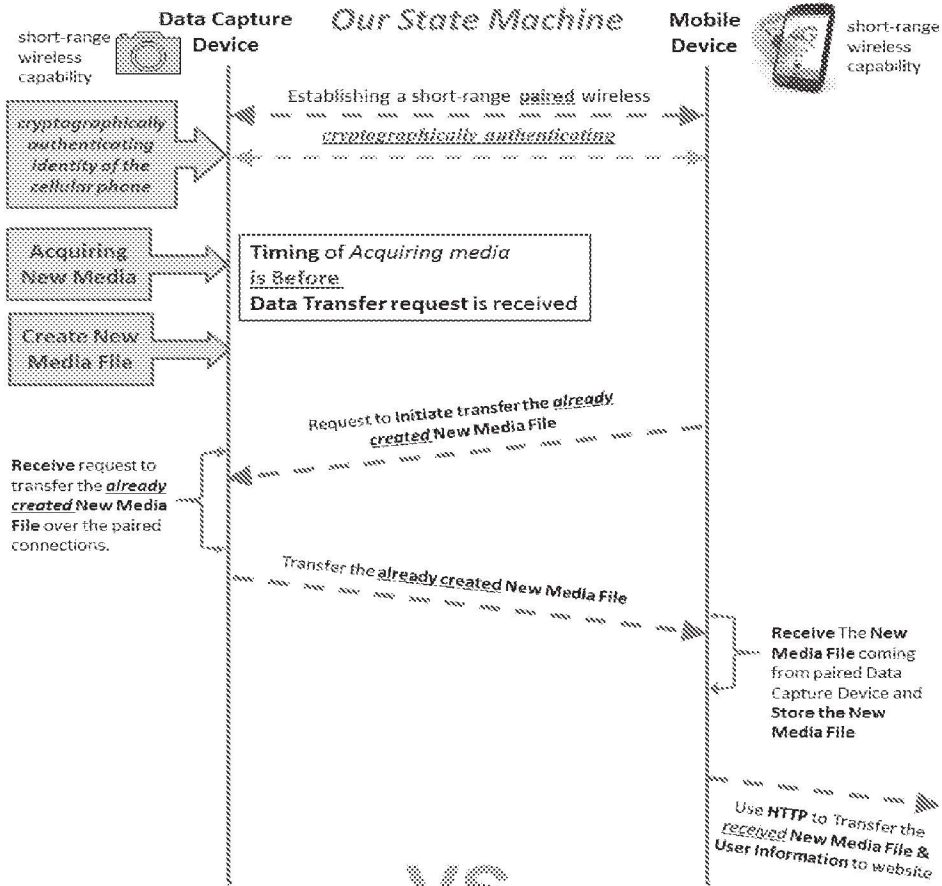
Claim 1 - Limitation	Kennedy	King	Pryor	Lin
1 establish a paired short-range connection	NO mention of pairing. Pairing is NOT established.	Yes	NO mention of pairing	NO mention of pairing. Pairing is NOT established.
2 *Cryptographically* authenticate the identity of *cellular phone*	NO	NO Biomertic ≇ Cryptographically	NO	NO
3 receive a data *transfer* request *initiated* by a *mobile* software application on the cellular phone	NO Initiated by the Camera and NOT Cellular phone	NO	NO	NO Start Capturing ≇ Data Transfer of already created data
4 wherein the new-media file was created in the digital camera device before receiving the data transfer request	NO	NO	NO	NO Start Capturing ≇ Data Transfer of already existing data
5 use *HTTP to* transfer the *received new-data* and *user information* to a website over a *cellular* data network	NO HTTP is NOT used	NO HTTP is NOT used	Does NOT teach transferring received new-data along with user information to the website over cellular data network	NO HTTP is NOT used

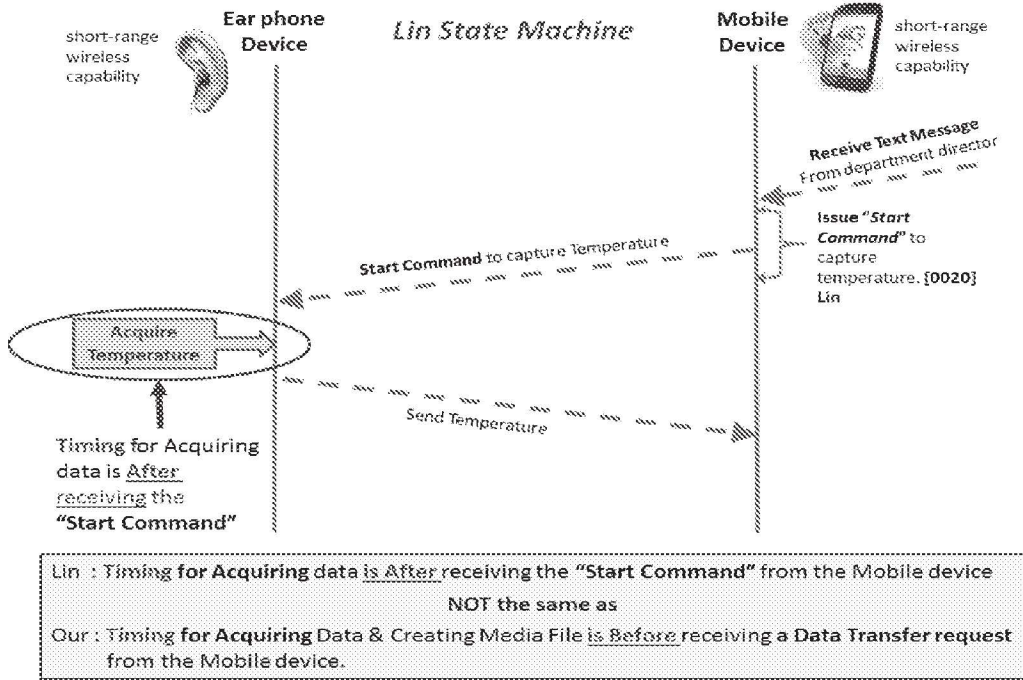State Machine taught by "Kennedy" and affirmed by PTAB

Portable Electronic Device (75)/ Data Capture Device

Intermediate Electronic Device (50)/ Mobile Device

Camera Memory reaching Threshold

"initiates a connection to the cell phone, transfers data and then disconnect" [0032]

Transfer all pictures captured from 0 -to- memory threshold

Forward all pictures to cellular Network [0024]

Kennedy State Machine

VS

Our State Machine

Data Capture Device

Mobile Device

short-range wireless capability

short-range wireless capability

cryptographically authenticating identity of the cellular phone

Establishing a short-range *paired* wireless *cryptographically authenticating*

Acquiring New Media

Create New Media File

Request to Initiate transfer the *already created* New Media File

Receive request to transfer the *already created* New Media File over the paired connections.

Transfer the *already created* New Media File

Receive The New Media File coming from paired Data Capture Device and **Store the New Media File**

Use **HTTP** to Transfer the *received* New Media File & User Information to website

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Our State Machine

short-range wireless capability | **Data Capture Device** | **Mobile Device** | short-range wireless capability

Establishing a short-range paired wireless

cryptographically authenticating

cryptographically authenticating identity of the cellular phone

Acquiring New Media

Timing of *Acquiring media* **is Before Data Transfer request is received**

Create New Media File

Request to initiate transfer the *already created* New Media File

Receive request to transfer the *already created* New Media File over the paired connections.

Transfer the *already created* New Media File

Receive The **New Media File** coming from paired Data Capture Device and **Store the New Media File**

Use **HTTP** to Transfer the *received* New Media File & User Information to website

VS

Lin State Machine

short-range wireless capability | **Ear phone Device** | **Mobile Device** | short-range wireless capability

Receive Text Message From department director

Issue *"Start Command"* to capture temperature. [0020] Lin

Start Command to capture Temperature

Acquire Temperature

Send Temperature

Timing for Acquiring data is After receiving the **"Start Command"**

Lin : Timing **for Acquiring** data is After receiving the **"Start Command"** from the Mobile device
NOT the same as
Our : Timing **for Acquiring** Data & Creating Media File is Before receiving a **Data Transfer request** from the Mobile device.

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Argument 1: Establishing a short-range paired wireless connection between the digital camera device and the cellular phone (Applicant) vs NO Pairing (Kennedy)

Claim 1 discloses that a "short-range **paired** wireless connection" is established between the digital camera device and the cellular phone before acquiring "new-media".

The office action on page 6 states that **FIG. 1** and paragraphs [0009] and [0021] of Kennedy teach: "establishing a short-range **paired** wireless connection between the digital camera device and the cellular phone". Applicant respectfully disagrees with the above statement for the following reasons.

Kennedy does NOT teach or suggest "establishing pairing" between two devices. **The word _"pairing"_ is not disclosed by Kennedy**.

Paragraph [0009] of Kennedy cited in the office action discloses: "One preferred embodiment of the portable electronic device is a Bluetooth-enabled camera that communicates to a cellular telephone via a Bluetooth wireless link."

Paragraph [0021] of Kennedy cited in the office action discloses: "Preferably, the intermediate electronic device 50 communicates with portable electronic device 75 via a wireless connection such as Bluetooth."

Further, **FIG.1** elements **75** and **50** show a portable electronic device and an intermediate electronic device linked via the Bluetooth wireless connection.

The above two paragraphs and **FIG.1** of Kennedy cited in the office action does not teach or suggest that the short-range **paired** wireless connection is established between the camera and the cellular phone before acquiring new images.

Argument 2: Digital camera device cryptographically authenticating the cellular phone (Applicant) vs NO cryptographic authentication (Kennedy)

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Claim 1 discloses that as part of establishing the short-range paired wireless connection between the digital camera device and the cellular phone, the digital camera device cryptographically authenticates the cellular phone.

The office action on page 8 states as follows: "King further teaches wherein establishing the short-range paired wireless connection comprises, the digital camera device cryptographically authenticating identity of the cellular phone (the portable data capture device is paired to a host machine). The host machine is preferably a computer, personal digital assistant (PDA) device, or a mobile communication device such as a mobile phone or Blackberry^{TM} text messaging device... The portable device will perform authentication and security procedures prior to interacting with host devices to which it is not currently paired [0735] (**incorrectly identified as paragraph [0375] in the office action**)".

In response, applicant submits that King does not teach or suggest "the scanner cryptographically authenticating identity of the cellular phone".

Paragraph [0735] of King recites as follows: "An *exchange of authentication and security information* is part of the pairing process between the portable device and the host device. The portable device will **perform authentication and security** procedures prior to interacting with host devices to which it is not currently paired. **The security procedures** can optionally include **user identification** procedures, such as **biometric identification**."

Further, paragraph [0817] of King recites as follows: "If anyone tries to use the scanner with another device the system (or the scanner itself) **requires *user to verify*/authenticate his identity** *before the new communication pairing will operate*."

From the above two paragraphs, the following becomes apparent:

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1. **What** is being Authenticated in *King vs Applicant* :

King is performing **"user"** authentication.

Applicant is performing **"cellular phone"** authentication.

Authenticating an User ≠ Digital Camera Device authenticating a Cellular Phone

2. **How** is authentication performed :

King is performing authentication by "**requiring user to verify**" OR "**biometric identification**".

Applicant is **cryptographically** authenticating the cellular phone.

Biometric identification ≠ *Cryptographic authentication*
Requiring user to verify ≠ *Cryptographic authentication*

In contrast, applicant discloses that the digital camera device cryptographically authenticates the cellular phone before establishing a paired short-range paired wireless connection with the cellular phone. As illustrated in detail in page 6, lines 5-29 of applicant's original application, the digital camera device and the cellular phone exchange a passkey between each other to cryptographically authenticate each other. This is done in order to establish a secure short-range paired wireless connection between the digital camera device and the cellular phone. There is no evidence in King that the scanner cryptographically authenticates the cellular phone before establishing a short-range paired wireless connection.

Applicant therefore submits that both "What" and "How" is different in King's authentication teaching.

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Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, further in view of Pryor does not teach or suggest the following limitation in claim 1:

"establishing a short-range paired wireless connection between the digital camera device and the cellular phone, wherein establishing the short-range paired wireless connection comprises, the digital camera device cryptographically authenticating identity of the cellular phone;"

Argument 3: Acquiring new-media by the digital camera device <u>after</u> establishing a short-range paired wireless connection with the cellular phone (Applicant) vs NOT checking for the establishment of a short-range paired wireless connection before acquiring new images (Kennedy)

Claim 1 discloses that the new-media is acquired by the digital camera device after the short-range paired wireless connection is established between the digital camera device and the cellular phone,

The office action on page 6 states that paragraphs [0010], [0032] and [0034] of Kennedy teach: "acquiring new-media, wherein the new-media is acquired **after establishing the short-range paired wireless connection** between the digital camera device and the cellular phone." Applicant respectfully disagrees with the above statement for the following reasons.

Paragraph [0010] of Kennedy discloses: "The camera can be configured for any one of a plurality of operational modes such as real-time upload, automatic upload or manual upload. In real-time mode the portable electronic device generally transfers its data <u>as the data is acquired</u> and <u>as quickly as the wireless connections will allow</u>. Automatic mode <u>senses when the camera's memory is nearly full, or otherwise reaches a predetermined or programmable threshold and initiates a connection, transfers data and</u>

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then disconnects. Manual mode lets the user decide when to perform the upload by activating a control on the portable electronic device."

In real-time mode, the camera disclosed by Kennedy transfers its data to a home-based server as soon as the data is acquired and as quickly as the wireless connections allow (see Kennedy **FIG. 2**, element **100**, home-based server, and paragraph [0031]). In the real-time mode, the camera does not check if a paired connection is pre-established with the cellular phone. For example, in the Kennedy reference, when a non-paired BT connection to the cellular phone is unavailable, to make sure the pictures are sent "as quickly as the wireless connections allow", the camera in Kennedy will have to save the pictures in its local memory until the non-paired connection between the cellular phone and the camera is established and then send the pictures when "the wireless connection allows". Therefore, in Kennedy, there is no pre-check to ascertain that the paired BT connection to the cellular phone is available.

Paragraph [0032] explains the automatic mode as follows: "When operating in automatic mode, the camera senses when the memory is full or nearly full based upon a threshold value. The user can set the threshold to any desired percentage of memory using the user interface **210**. Accordingly, when the camera detects the memory to be full or nearly full, it initiates a connection to the cell phone, transfers data and then disconnects." It is obvious that in this mode also the camera is acquiring images until the size of the acquired images reaches a threshold value. Only then the camera initiates a connection to the cellular phone and transfers the images to the server through the cellular phone.

Paragraph [0033] explains the manual mode as follows: "In manual mode the user decides when to perform the transfer. The memory capacity remaining may be displayed on display **250**. The user may then arbitrarily decide to transfer data using the user interface **210**. The camera would then fulfill the user's request by making a connection to the cell phone, transferring the data, and then disconnecting." It is obvious that the user continues to acquire images until he notices that the memory capacity of the

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device is very low. He then initiates a connection to the cellular phone and transfers the images to the server through the cellular phone.

Paragraph [0034] explains the hybrid mode as follows: "In another hybrid mode, the camera 75 may be set in manual data transfer mode, but the camera 75 may also initiate an automatic transfer if the buffer is getting full in the event that the user hasn't started a data transfer in time." It is obvious that the user continues to acquire images until the camera automatically detects that the memory capacity of the device is very low. The camera then initiates a connection to the cellular phone and transfers the images to the server through the cellular phone.

Therefore, applicant submits that in NONE of the four modes (real-time, automatic, manual and hybrid), the camera first establishes a cryptographically authenticated short-range paired wireless connection with the cellular phone and then starts acquiring the images.

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, further in view of Pryor does not teach or suggest the following limitation in claim 1:

"acquiring new-media, wherein the new-media is acquired **after establishing the short-range paired wireless connection** between the digital camera device and the cellular phone;"

Argument 4: Digital camera device receiving a data transfer request from the cellular phone for the transfer of the new-media file created in the digital camera device before the receipt of the data transfer request (Applicant) vs <u>NO data transfer request (Kennedy and Lin)</u>
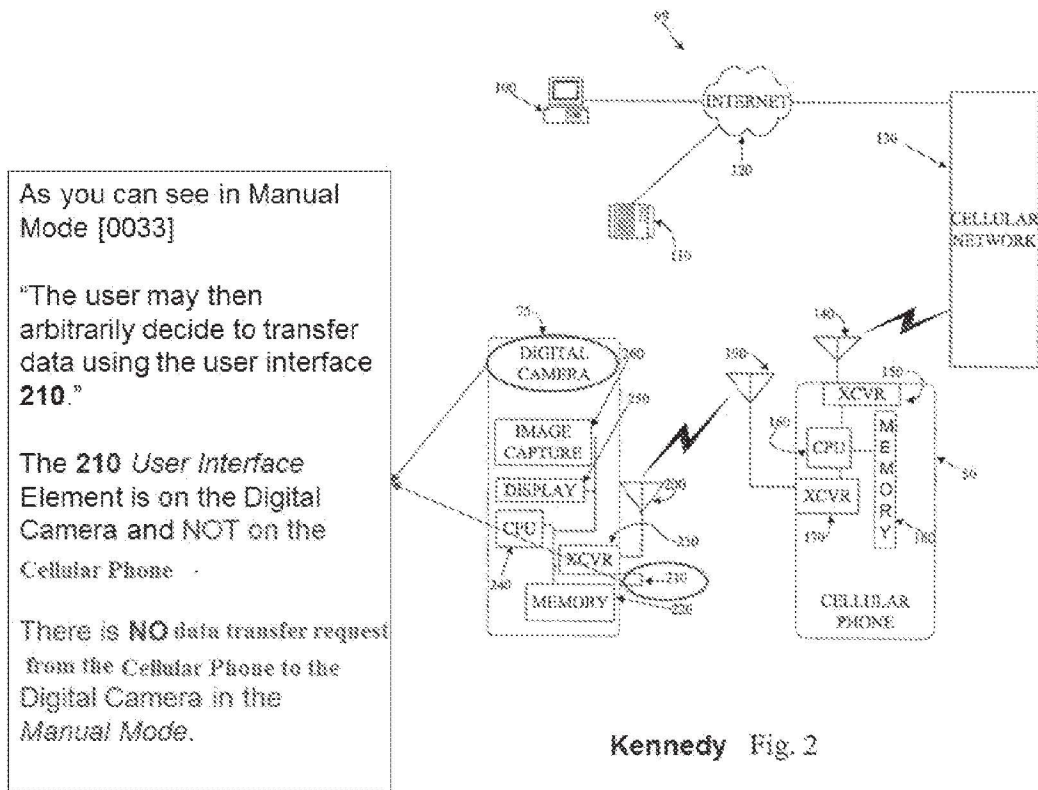
Claim 1 discloses that the digital camera device receives the data transfer request from the cellular phone for transferring the new-media file created in the digital camera

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device before receiving the data transfer request from the cellular phone. Applicant discloses that <u>after a paired connection is established</u> between the cellular phone and the digital camera device, "**new-media**" is acquired by the digital camera device and the "**new-media file**" is created. After that, the **cellular phone initiates a data transfer process by sending a data transfer request to the digital camera device.** The digital camera device receives the **data transfer request** from the cellular phone that **initiates the transfer** of the new-media **file** to the cellular phone (see page 7, lines 5-7 of applicant's original application: "*The client application 203 then **initiates the transfer of the captured data**, the multimedia content, and the associated files.*"). The <u>new-media file that is requested by the cellular phone is the new-media file created in the digital camera device before it receives the data transfer request</u> from the cellular phone.

The office action on page 6 states that Kennedy teaches: "receiving a data transfer request initiated by a software application on the cellular phone, over the established short-range paired wireless connection, wherein the data transfer request is for the created new-media file". Applicant respectfully disagrees with the above statement for the following reasons.

Paragraph [0010] of Kennedy discloses: "The camera can be configured for any one of a plurality of operational modes such as real-time upload, automatic upload or manual upload."

Paragraph [0010] of Kennedy further discloses that *"Manual mode lets the **user decide** when to perform the upload **by activating a <u>control on the portable electronic device.</u>**"* It is therefore clear that in the **manual mode** in Kennedy, data transfer is **initiated** by the camera user and NOT by **the Cellular Phone** (see Kennedy FIG. 2 reproduced below).

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As you can see in Manual Mode [0033]

"The user may then arbitrarily decide to transfer data using the user interface **210**."

The **210** *User Interface* Element is on the Digital Camera and NOT on the Cellular Phone

There is **NO** data transfer request from the Cellular Phone to the Digital Camera in the *Manual Mode*.

Kennedy Fig. 2

Further, Kennedy paragraph [0033] discloses as follows: "In manual mode, the user decides when to perform the transfer. The **memory capacity remaining may be displayed on display 250**." As illustrated in **FIG. 2** of Kennedy, reproduced above, the user may then arbitrarily decide to transfer data using the user interface **210**. The camera would then fulfill the user's request by making a connection to the cellular phone, transferring the data, and then disconnecting." It is clear that <u>in Kennedy, the **User Interface** Element **210** is on the **Digital Camera** and **NOT** on the Cellular Phone.</u> There is **NO** data transfer request from the Cellular Phone to the Camera in the Manual Mode that initiates the transfer of captured images.

Kennedy, paragraph [0034] discloses: "In another hybrid mode, **the camera 75 may be set in manual data transfer** mode, but the **camera 75 may also initiate an automatic transfer if the buffer is getting full** in the event that the user hasn't started a data transfer in time." Therefore, it is clear that even in the hybrid mode, there is **NO** data

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transfer request from the Cellular Phone to the Camera that initiates the transfer of captured images.

Kennedy further discloses a real-time mode of data transfer. However, even in *real-time mode,* the camera transfers its data to a home-based server as soon as the data is acquired and as quickly as the wireless connections allow (see Kennedy **FIG. 2**, element 100, home-based server, and paragraph [0031]). Therefore, in Kennedy, even in *real-time mode,* there is **NO** data transfer request received by the camera from the cellular phone that initiates the transfer of captured images to the cellular phone.

Therefore, there is **NO data transfer request** received by the camera from the cellular phone in any of the four data transfer modes of Kennedy that initiates the transfer of **captured images that were captured before receiving the data transfer request**.

Applicant therefore submits that **none of the four data transfer modes** in Kennedy disclose that the camera receives a data transfer request from the cellular phone initiating the transfer of the captured images.

Further, the office action on page 8 states as follows: "Lin further teaches wherein receiving a data transfer request initiated by a software application on the cellular phone, over the established short-range paired wireless connection (the local Bluetooth device **150** can automatically send out a start command SC for the Bluetooth earphone **100** to start with the process of measuring body temperature [0020, 0023, 0024, 0025]) in order to receives the body temperature value T by the Bluetooth earphone 100 ([0020])."

In response, applicant submits that Lin does not teach or suggest "receiving a **data transfer request initiated by a mobile software application on the cellular phone**, over the established short-range paired wireless connection, where the data transfer request is for the **new-media file created in the digital camera device before receiving the data transfer request from the cellular phone**".

Paragraph [0020] of Lin discloses: "The local Bluetooth device **150** can automatically send out a start command SC for the Bluetooth earphone **100** to start with the process of measuring body temperature."

Paragraph [0023] of Lin discloses: "A Bluetooth earphone activates a temperature measuring procedure according to the start command inputted by a local Bluetooth device (step **310**)."

Paragraph [0024] of Lin discloses: "Set the mobile phone to send a start command at a certain time to activate the Bluetooth earphone to execute body temperature **measuring** (step **420**)."

Paragraph [0025] of Lin discloses: "the mobile phone automatically activates a pre-set timing for the Bluetooth earphone to **measure body temperature** (step **520**)."
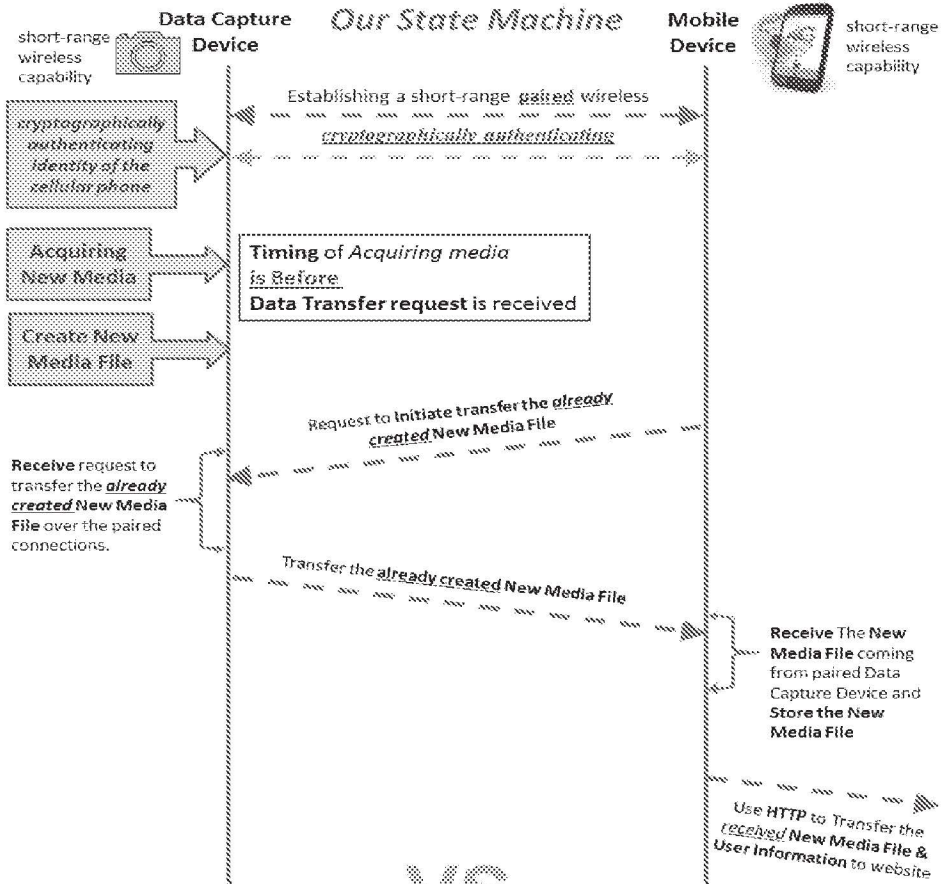
Further, Paragraph [0020] of Lin discloses: "Take the application of the Bluetooth mobile phone for example, a department director can choose to send a text message of measuring body temperature to the colleagues. After having received the text message, the mobile phone will issue a **start command SC** activating the Bluetooth earphone 100 to **measure the body temperature**."

Therefore, in Lin, the measurement of temperatures by the earphone is triggered by the text message received by the cellular phone from an external source (the Director), which in turn causes the cellular phone to issue a start command to the earphone. In any case, in Lin, the **start command triggers "temperature measurement" by the earphone. Therefore it is NOT a "data transfer" request** from the cellular phone to the ear phone for the temperature measurements that were measured by the earphone *before* the receipt of the data transfer request.
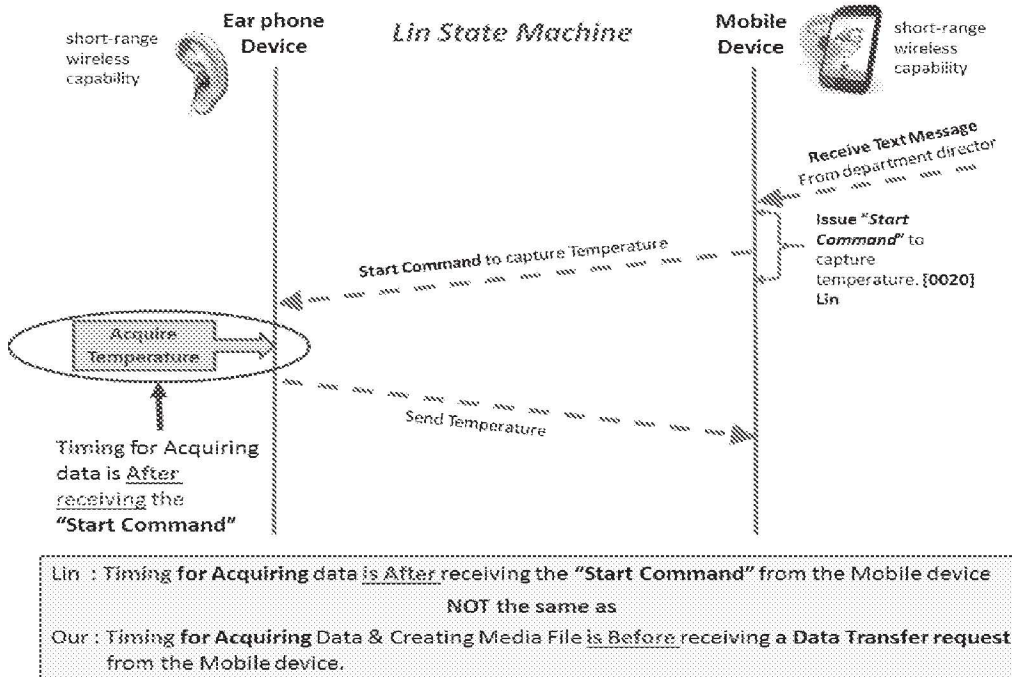
In contrast, in applicant's method, the capture of the new-media by the digital camera device is **NOT triggered by receiving a Text Message on the cellular phone**

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from an external source. In applicant's method, the cellular phone sends a <u>data transfer request</u> to the digital camera device that <u>initiates</u> the transfer of the "**new-media file created in the digital camera device before receiving the data transfer request from the cellular phone**".

Figure below shows that the difference between applicant's state machine and Lin's state machine:

Data Capture Device — *Our State Machine* — Mobile Device

short-range wireless capability

cryptographically authenticating identity of the cellular phone

Establishing a short-range *paired* wireless *cryptographically authenticating*

short-range wireless capability

Acquiring New Media

Create New Media File

Timing of *Acquiring media* is Before
Data Transfer request is received

Request to Initiate transfer the *already created* New Media File

Receive request to transfer the *already created* New Media File over the paired connections.

Transfer the *already created* New Media File

Receive The New Media File coming from paired Data Capture Device and **Store** the New Media File

Use **HTTP** to Transfer the *received* New Media File & User Information to website

VS

Ear phone Device — *Lin State Machine* — Mobile Device

short-range wireless capability

short-range wireless capability

Receive Text Message From department director

Issue "Start Command" to capture temperature. [0020] Lin

Start Command to capture Temperature

Acquire Temperature

Send Temperature

Timing for Acquiring data is After receiving the **"Start Command"**

Lin : Timing **for Acquiring** data is After receiving the **"Start Command"** from the Mobile device
NOT the same as
Our : Timing **for Acquiring** Data & Creating Media File is Before receiving a **Data Transfer request** from the Mobile device.

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In Lin's disclosure, the Director is the Master that sends a text message to the cellular phone and the cellular phone in turn sends "Start Command to the earphone to capture temperatures". In applicant's method, the request is for **the new-data that has been captured by the digital camera device before receiving the data transfer request**.

Again, in paragraphs [0020] [0023] [0024] [0025] Lin does not disclose that the earphone performs the following steps:

(a) <u>Establishing the short-range paired wireless connection</u> with the cellular phone,

(b) Acquiring the temperature measurements <u>after</u> establishing the short-range paired wireless connection, and

(c) Receiving the <u>data transfer request</u> from the cellular phone that <u>initiates</u> the transfer of the temperature measurements, where the temperature measurements were performed before receiving the data transfer request from the cellular phone".

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, further in view of Pryor does not teach or suggest the following limitation in claim 1:

"receiving a data transfer request initiated by a mobile software application on the cellular phone, over the established short-range paired wireless connection, wherein the data transfer request is for the new-media file, and wherein the new-media file was created in the digital camera device before receiving the data transfer request;"

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Argument 5: Transfer of the new-media to the cellular phone, over the established short-range paired wireless connection (Applicant) vs Transfer of the captured images to the cellular phone, over the non-paired Bluetooth wireless connection (Kennedy).

Claim 1 discloses that **after establishing the short-range paired wireless connection**, the **new-media is acquired** by the digital camera device, the **new-media file is created** in the digital camera device using the acquired new-media file, the **data transfer request is received** by the digital camera device from the cellular phone, and **ONLY THEN** the new-media file is **transferred to the cellular phone** over **the established** short-range **paired** wireless connection.

The office action on page 7 states that paragraph [0010] of Kennedy discloses this step. Applicant respectfully disagrees for the following reasons.

Paragraph [0010] of Kennedy discloses: The camera can be configured for any one of a plurality of operational modes such as real-time upload, automatic upload or manual upload."

Nowhere in paragraph [0010] or elsewhere does Kennedy disclose that the camera transfers the captured *images* to the cellular phone, after establishing the short-range **paired** wireless connection.

Kennedy does not teach or suggest that the method steps are performed in the order given below:

    (a) Establishing the short-range **paired** wireless connection between the camera and the cellular phone,

    (b) Capturing of new images by the camera, **after** establishing the short-range paired wireless connection,

<div align="center">36</div>

(c) Camera receiving the <u>data transfer from the cellular phone</u> that <u>initiates</u> the transfer of captured <u>images</u> to the cellular phone, and ONLY THEN

(d) Transfer the captured <u>images</u> (**where the images were captured before receiving the data transfer request**) from the camera to the cellular phone**.**

Therefore, Kennedy in view of King in view of Lin further in view of Pryor does not teach or suggest the following limitation in amended claim 1:

"transferring the new-media file to the cellular phone, over the established short-range paired wireless connection…"

Argument 6: Upload of new-media received from the digital camera device by the cellular phone along with the user information to the user media publishing website using the HTTP (Applicant) vs NO <u>received</u> new-media, NO <u>cellular phone</u>, NO user information, NO user media publishing website and NO upload from the cellular phone to the user media publishing website using the HTTP (<u>Pryor</u>)

Claim 1 discloses that the <u>cellular phone uploads the new-media received from the digital camera device to the user media publishing website along with user information using the HTTP</u>.

The office action on pages 8 and 9 state as follows: "Pryor further teaches a system including the wherein the cellular phone is configured to use the HTTP to upload the received new-media file along with user information to a website (fig. 2-3 HTTP request Header includes "symmetric ciphering = user info" [0018]) in order to upload data to a server ([0018])."

In response, applicant submits that **<u>Pryor does NOT teach</u>** (a) <u>receiving the new-media file</u> by the cellular phone from the digital camera device over the short-range

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paired wireless connection, and (b) uploading the <u>received new-media file</u> from the <u>cellular phone to the user media publishing website using the HTTP along with the user information</u>. Further, applicant submits that "**symmetric ciphering" in Pryor is NOT equal to the "user information**" in applicant's system.

In applicant's system, the new-media file <u>received from the digital camera device</u> is transferred <u>from the cellular phone to the user media publishing website</u>.

In contrast, in Pryor, the file that is transferred from one <u>computer to another computer is a native file. It is not a file received by the cellular phone from the digital camera device.</u>

Further, applicant discloses uploading the new-media file along with the "<u>user information</u>" from the <u>cellular phone to the user media publishing website</u>. The user information sent along with the new-media file is used for <u>publishing the received new-media file to a private blog of a user</u>. Applicant's **FIG. 5** Element **502** reveals **User Jane**. Further, Page 15 lines 1-4 recite as follows: "Consider another example where a user **502** may record videos or capture images at different points in time and automatically uploads and publishes the videos and images on one or more websites. Consider an investigative reporter, **Jane**, working for a prominent newspaper in New York City". Furthermore, Page 14 lines 8-11 recite as follows: "The user **502** may <u>select websites</u>, for example, Flickr™, Picasa™, YouTube™, eBay®, etc. and store the preferences on the mobile device **202**. The user **502** may also set the timer setting for publishing the transferred image on the selected websites". Furthermore, Page 15, lines 7-14 recite as follows: "The method and system disclosed herein enables **Jane** to automatically upload pictures and videos taken using her digital camera or video camera onto a mobile device **202** and **publish** the pictures, videos, etc. from her mobile device **202** to the internet **501** with one click or touch of a button. On one click or touch of a button, the pictures and videos are <u>published and immediately made available on **Jane's private blog**</u>." Pryor does NOT teach or suggest **publishing** of the **received media file** using the **user information on the user media publishing website**, **for the user**, as in the example illustrated above.

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Therefore, Pryor does not disclose the "user information" and does not send the "**user information**" along with the new-media file. Further, Pryor's disclosure is about computer to computer communication. Furthermore, **there is NO User Media Publishing Website in Pryor's architecture**.

Paragraph [0018] cited in the office action discloses that "**symmetric ciphering**" is used to ensure that the data can be transferred securely between two computers. "**Symmetric Ciphering**" is a **technique that is used for encrypting and decrypting the data for transmission over a network**. It is NOT the "**user information**". As illustrated in applicant's original specification, the "**user information**" includes (a) user data that is used by the user media publishing website to publish the received data in the private blog of the user, and (b) user preferences used by the publishing service to decide (i) the location of the user media publishing websites for publishing the received data and (ii) the time of publishing the received data. Therefore the "**symmetric ciphering" in Pryor is NOT equal to the "user information**" in applicant's system.

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, further in view of Pryor, does not teach or suggest the following limitation in claim 1:

> "transferring the new-media file to the cellular phone, over the established short-range paired wireless connection, wherein the cellular phone is configured to receive the new-media file, wherein the cellular phone is configured to store the received new-media file in a non-volatile memory device of the cellular phone, and wherein the cellular phone is configured to use HTTP to upload the received new-media file along with user information to a user media publishing website."

In view of the above arguments, applicant submits that even if Kennedy, King, Lin and Pryor are combined as suggested in the office action, there is no expectation of satisfying applicant's claim 1. Claim 1 is therefore non-obvious over Kennedy, in view of

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King, in view of Lin, further in view of Pryor. Applicant therefore respectfully requests that the rejection of Claim 1 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.

Claims 3, 4 and 9 are dependent on claim 1. Applicant therefore respectfully requests that the rejection of Claims 3, 4 and 9 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.

Next, the office action states: "***Claims 10, 12-13, 19, 21-26, 32-38 are rejected under 35 Pre-AIA U.S.C. 103(a) as being unpatentable over Kennedy-King-Lin-Pryor further in view of Ihara US 20120089538.***"

In response to the above rejection, applicant submits that Kennedy-King-Lin-Pryor further in view of Ihara do not teach all the limitations in claims 10, 21 and 32.

Page 11, lines 4-10 of applicant's original application recite as follows: "**The data transfer protocol module 201c** of the digital data capture device **201** transfers the **captured data, the multimedia content, and the associated files** to the client application **203**. The data storage module **203d** stores the captured data, the multimedia content, and the associated files on the mobile device **202**. The user may also **set preferences on the mobile device 202 using the GUI 203e of the client application 203.**"

Page 11, lines 27-29 of applicant's original application recite as follows: ". The user may also configure the client application **203** to automatically **delete the data, the multimedia content, and the associated files** …"

From the above paragraphs, it is clear that in applicant's disclosure the GUI on the cellular phone facilitates:

(a) receiving of the created new-media file and the created associated file from the digital camera device, and

(b) deleting the created new-media file and the created associated file.

The office action on page 9 states that Kennedy merely discloses the term "GUI" but Ihara teaches that it is well known to have a system to include graphical user interface GUI (see Ihara paragraphs [0076-0077] "GUI") in order to make uploading data more efficient (see Ihara paragraphs [0076- 0077]).

However, Kennedy, King, Lin, Pryor and Ihara, **either alone or in combination do not teach or suggest that the GUI is for the new-media file and the associated file "*received*" by the cellular phone from the digital camera device over the established short-range paired wireless connection**.

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara does not teach or suggest the following limitations in claims 10 and 21:

"…. provide a graphical user interface (GUI) for the *received* **new-media file**."

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara does not teach or suggest the following limitations in claims 12 and 22:

"…. provide a graphical user interface (GUI) for the *received* **associated file**."

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara does not teach or suggest the following limitations in claims 40 and 47:

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"….GUI is for the *received* **new-media file** ..."

Note: The received new-media file and the associated file are files received by the cellular phone from the digital camera device over the short-range paired wireless connection.

Further, Kennedy, King, Lin, Pryor and <u>Ihara</u>, **either alone or in combination do not teach or suggest that the GUI is for deleting the created new-media file and the created associated file**.

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara does not teach or suggest the following limitation in claims 19:

"…. receive input from the graphical user interface (GUI) to **delete the created new-media file**."

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara does not teach or suggest the following limitation in claims 45:

"…. receive input from the GUI to **delete the created associated file**."

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara does not teach or suggest the following limitation in claim 23:

"…. **delete the created new-media file** based on input received from the graphical user interface (GUI)."

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Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara does not teach or suggest the following limitation in claim 46:

"…. **delete the created associated file** based on input received from the GUI."

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara does not teach or suggest the following limitations in claim 40 and 47:

"….GUI is for the **received new-media file** and to **delete the created new media file**."

Furthermore, since the combination of Kennedy-King-Lin-Pryor does not teach all the limitations in Claim 1, the combination of Kennedy-King-Lin-Pryor-Ihara also does not teach all the limitations of Claim 1. Claims 10, 21 and 32 are synonymous with Claim 1. Therefore the combination of Kennedy-King-Lin-Pryor-Ihara does not teach all the limitations in Claims 10, 21 and 32. Claims 10, 21 and 32 are therefore non-obvious over Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara. Applicant therefore respectfully requests that the rejection of Claims 10, 21 and 32 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.

Claims 12, 13, 19 and 37 are dependent on claim 10. Claims 38 and 22-26 are dependent on claim 21. Claims 33-36 are dependent on claim 32. Since claims 10, 21 and 32 are non-obvious over Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara, dependent claims 12, 13, 19, 22-26, and 33-38 are also non-obvious over Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara. Applicant therefore respectfully requests that the rejection of dependent claims 12, 13, 19, 22-26, and 33-38 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.

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Next, the office action states: "***Claims 3-4, 9, 12-13, 19, 21-26, 32-38 are rejected for similar reason as stated above.***"

In response to the above rejection, applicant submits that Kennedy-King-Lin-Pryor further in view of Ihara do not teach all the limitations in claims 1 and 10. Claims 21 and 32 are synonymous with claims 1 and 10. Since the combination of Kennedy-King-Lin-Pryor-Ihara does not teach all the limitations in Claims 1 and 10, the combination of Kennedy-King-Lin-Pryor-Ihara also does not teach all the limitations of Claims 21 and 32. Claims 21 and 32 are therefore non-obvious over Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara. Applicant therefore respectfully requests that the rejection of Claims 21 and 32 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.

Claims 3, 4 and 9 are dependent on claim 1. Claims 12, 13, 19 and 37 are dependent on claim 10. Claims 38 and 22-26 are dependent on claim 21. Claims 33-36 are dependent on claim 32. Applicant therefore respectfully requests that the rejection of claims 3, 4, 9, 12, 13, 19, 22-26, and 33-38 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.

New Claim 40 is dependent on Claim 1. New Claims 41, 44 and 46 are dependent on Claim 21. New Claims 42 and 47 are dependent on Claim 32. New Claims 39, 43 and 45 are dependent on Claim 10. Since claims 1, 10, 21 and 32 are non-obvious over Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara, new dependent claims 39-47 are also non-obvious over Kennedy, in view of King, in view of Lin, in view of Pryor, further in view of Ihara. Applicant therefore respectfully requests allowance of new claims 39-47.

Support for claim amendments

All the claim amendments are fully supported within applicant's original application as illustrated in the below table:

Claim #	Limitations/Features	Quoted lines from applicant's original application
1	"establishing a short-range paired wireless connection between the digital camera device and the cellular phone"	**FIG. 2**, Element **201a** (BLUETOOTH COMMUNICATION DEVICE), Element **203a** (BLUETOOTH ASSOCIATION PROTOCOL MODULE), and Page 10, lines 13-16: "The BT association protocol module **201b** of the digital data capture device **201** and the BT association protocol module **203a** of the client application **203** enable the **pairing** between the BT communication device **201a** and the mobile device **202**."
1	acquiring new-media, wherein the new-media is acquired after establishing the short-range paired wireless connection between the digital camera device and the cellular phone	**FIG. 1,** step **103** followed by step **104**. **FIG. 2** Element **201d** (DATA CAPTURE MODULE).
1	creating a new-media file using the acquired new-media;	Page 8 lines 2-3: "The digital data capture device **201** signals the client application **203** in the event a **new file is created**", and Page 7 lines 1-3: "The user captures **104** data and multimedia content using the digital data capture device **201**. The data and multimedia content may, for example, comprise

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		image files, audio files, video files, text files, or any combination thereof."
1	receiving a data transfer request initiated by a mobile software application on the cellular phone, over the established short-range paired wireless connection, wherein the data transfer request is for the new-media file, and wherein the new-media file was created in the digital camera device before receiving the data transfer request	**FIG. 1,** step **104** followed by step **105**. Page 7, lines 1-12: "The user captures **104** data and multimedia content using the digital data capture device **201**. The data and multimedia content may, for example, comprise image files, audio files, video files, text files, or any combination thereof. The client application **203** on the mobile device **202** detects **105** the captured data, the multimedia content, and files associated with the captured data and the multimedia content. *The client application 203 then initiates the transfer of the captured data*, the multimedia content, and the associated files."
1	transferring the new-media file to the cellular phone, over the established short-range paired wireless connection, wherein the cellular phone is configured to receive the new-media file	**FIG. 1** step **106** after steps **103-105**.
1 and 32	HTTP	Page 16, lines 15-17: "The transport protocol that is used between the client application **203** and the publishing service **401** may be hypertext transfer

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		protocol (HTTP)."
1 and 32	upload the received new-media file along with user information to a user media publishing website	**FIG. 4** Element **203f** (MEDIA PUBLISHING MODULE), and Page 11, lines 14-16: "The media publishing module **203f** automatically *publishes the transferred data and the multimedia content* on one or more of the websites. The media publishing module **203f** comprises a web site selection module **203g**."
3, 12, 22 and 33	associated file	Page 3 lines 14-17: "The client application on the BT enabled mobile device detects the captured data, multimedia content, and *files associated with the captured data* and the multimedia content on the digital data capture device by communicating over a wireless BT protocol."
1 and 10	mobile software application	**FIG. 2** Element **203** (CLIENT APPLICATION), and Page 5 lines 24-25: "*a client application* **203** is provided **101** on the mobile device **202**"
21	software application for the cellular phone	
32	software application on the cellular phone	
1, 10, 21 and 32	store the received new-media file in a non-volatile memory device of the cellular phone	**FIG. 2** Element **203d** (DATA STORAGE MODULE), and Page 11 lines 3-4: "The data storage module **203d** stores the captured data, the

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		multimedia content, and the associated files on the mobile device **202**."
4 and 34	user information corresponds to user related information used by the user media publishing website to publish the new-media file (Example: User Jane acquires the new-data, the user information (user name Jane and user preferences entered by Jane like for example addresses of the user media publishing websites and timer information) is associated with user Jane, the acquired new-data is then transferred to the cellular phone over the short-range wireless connection, the new-data received by the cellular phone from the digital camera device is then uploaded to the user media publishing website, and finally the user media publishing website publishes the new-data and makes it available in Jane's	**FIG. 4 Element 203 (Graphical User Interface 203e and WEBSITE SELECTION MODULE 203g**), Page 11, lines 4-5: "The *user may also set preferences* on the mobile device **202** using the **GUI 203e** of the client application **203**", and Page 11, lines 15-17 "The *website selection module* **203g** selects the websites for publishing the data and the multimedia content based on settings and *user preferences configured by the user* on the mobile device **202**." **FIG. 5** Element **502 (User Jane**), Page 15 lines 1-4: "Consider another example where a *user* **502** may record videos or capture images at different points in time and automatically uploads and publishes the videos and images on one or more websites. Consider an investigative reporter, **Jane**, working for a prominent newspaper in New York City", Page 14 lines 8-11: "The *user* **502** may *select websites*, for example, Flickr™, Picasa™, YouTube™, eBay®, etc. and store the preferences on the mobile device **202**. The *user* **502** may also set the *timer setting* for publishing the

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	private blog.)	transferred image on the selected websites", and Page 15, lines 7-14: "The method and system disclosed herein enables **Jane** to automatically upload pictures and videos taken using her digital camera or video camera onto a mobile device **202** and publish the pictures, videos, etc. from her mobile device **202** to the internet **501** with one click or touch of a button. On one click or touch of a button, the pictures and videos are published and immediately made available on *Jane's private blog*."
1 and 36	the digital camera device cryptographically authenticating identity of the cellular phone	Page 6, lines 5-16: "The BT communication device **201a** on the digital data capture device **201** is paired **103** with the mobile device **202** to establish a connection between the digital data capture device **201** and the mobile device **202**. BT pairing involves establishing a connection between two BT devices that mutually agree to communicate with each other. A BT device that wants to communicate only with a trusted device **can cryptographically authenticate the identity of another BT device**. BT pairing occurs when the BT communication device **201a** agrees to communicate with the mobile device
37	short-range wireless enabled digital camera device cryptographically authenticates identity of the cellular phone	
38	digital camera device cryptographically authenticates identity of the cellular phone	

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		202 in order to establish a connection."
10 and 21	provide a graphical user interface (GUI) for the received new-media file	**FIG. 2 Element 203e (GRAPHICAL USER INTERFACE),** and Page 11, lines 1-5: "The data transfer protocol module **201c** of the digital data capture device **201** transfers the **captured data, the multimedia content, and the associated files to the client application 203**. The data storage module **203d** stores the captured data, the multimedia content, and the associated files on the mobile device **202**. The user may also **set preferences on the mobile device 202 using the GUI 203e of the client application 203**."
12 and 22	provide a GUI for the received associated file	
		Page 11, lines 27-30: "The user may also **configure the client application 203 to automatically delete the data, the multimedia content, and the associated files**."
19	receive input from the graphical user interface (GUI) to delete the created new-media file	Page 11, lines 27-30: "The user may also configure the **client application 203** to automatically **delete the data**, the multimedia content, and the **associated files**."
23	delete the created new-media file based on input received from the graphical user interface (GUI)	

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45	receive input from the GUI to delete the created associated file	
46	delete the created associated file based on input received from the GUI	
40 and 47	GUI is for the received new-media file and to delete the created new media file	**FIG. 2 Element 203e (GRAPHICAL USER INTERFACE),** and Page 11, lines 1-5: "The data transfer protocol module **201c** of the digital data capture device **201** transfers the **captured data, the multimedia content, and the associated files to the client application 203**. The data storage module **203d** stores the captured data, the multimedia content, and the associated files on the mobile device **202**. The user may also **set preferences on the mobile device 202 using the GUI 203e of the client application 203**." Page 11, lines 27-30: "The user may also configure the **client application 203** to automatically **delete the data**, the multimedia content, and the **associated files**."
25	cellular data network	**FIG. 4 Element 402**, and page 13, lines 2-3: "The network **402** may, for example, be a wireless network, a

		cellular network, or the internet **501**."
39, 42, 43 and 44	short-range paired wireless connection is one of a Bluetooth paired wireless connection, a Wi-Fi paired wireless connection, and other personal area wireless networking technologies that use pairing	Page 4, lines 12-15: "The method and system disclosed herein is described with reference to a BT communication protocol. The method and system disclosed herein may be realized with wireless protocols, for example, Zigbee® protocol, Wibree™ protocol, Ultra-Wide Band (UWB) protocol, and other wireless protocols for wireless personal area networks."

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. In the interest of compact prosecution, if the prosecution of the application can be advanced or if a claim may be made potentially allowable by an Examiner's amendment, applicant requests Examiner Nooristany to call the undersigned with the proposed amendment.

Respectfully submitted,

Date: October 01, 2015

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Electronic Acknowledgement Receipt

EFS ID:	23659133
Application Number:	14533104
International Application Number:	
Confirmation Number:	7437
Title of Invention:	Automatic Multimedia Upload For Publishing Data And Multimedia Content
First Named Inventor/Applicant Name:	Gurvinder Singh
Correspondence Address:	Ashok Tankha - 36 Greenleigh drive - Sewell NJ 08080 US 8562665145 ash@ipprocurement.com
Filer:	Ashok Tankha
Filer Authorized By:	
Attorney Docket Number:	CellSpin_04Con10_US
Receipt Date:	01-OCT-2015
Filing Date:	05-NOV-2014
Time Stamp:	05:03:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	CellSpin_04Con10_US_transmittal_sb0021.pdf	263160	no	2
			968867ad7a7c31205abcba286fba7bea0a62b7bd		

Warnings:

Information:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
2	Amendment/Req. Reconsideration-After Non-Final Reject	CellSpin_04Con10_US_Response.pdf	755034	no	52
			e8248a6f337dc9306e61cde29444b84ccaadf1f5		

Warnings:

Information:

Total Files Size (in bytes):	1018194

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<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	14/533,104
Filing Date	11/05/2014
First Named Inventor	Gurvinder Singh
Art Unit	2415
Examiner Name	Nooristany, Sulaiman
Attorney Docket Number	CellSpin_04Con10_US

ENCLOSURES   (*Check all that apply*)

☐ Fee Transmittal Form
   ☐ Fee Attached
☑ Amendment/Reply
   ☐ After Final
   ☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)
☐ Reply to Missing Parts/ Incomplete Application
   ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____
   ☐ Landscape Table on CD

Remarks

☐ After Allowance Communication to TC
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to TC (**Appeal Notice, Brief, Reply Brief**)
☐ Proprietary Information
☐ Status Letter
☐ Other Enclosure(s) (please Identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Lipton, Weinberger & Husick		
Signature	/a tankha/		
Printed name	Ashok Tankha		
Date	10/01/2015	Reg. No.	33802

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	/a tankha/		
Typed or printed name	Ashok Tankha	Date	10/01/2015

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/533,104	Filing Date 11/05/2014	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)		
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)		
	10/01/2015	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
AMENDMENT	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	x $40 =	0
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	x $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	**0**

		(Column 1)		(Column 2)	(Column 3)		
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
AMENDMENT	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/SHARON HARRIS/

Canon Exhibit 1002, Page 304

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/533,104	11/05/2014	Gurvinder Singh	CellSpin_04Con10_US	7437

7590   10/14/2015

Ashok Tankha
36 Greenleigh drive
Sewell, NJ 08080

EXAMINER
NOORISTANY, SULAIMAN

ART UNIT	PAPER NUMBER
2415	

MAIL DATE	DELIVERY MODE
10/14/2015	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.

-- 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 _3_ MONTHS 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 _10/1/15_.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
4)☐ 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*

5)☒ Claim(s) _1,3,4,9,10,12,13,19,21-26 and 32-47_ is/are pending in the application.
   5a) Of the above claim(s) _____ is/are withdrawn from consideration.
6)☐ Claim(s) _____ is/are allowed.
7)☒ Claim(s) _1,3,4,9,10,12,13,19,21-26 and 32-47_ is/are rejected.
8)☐ Claim(s) _____ is/are objected to.
9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.
11)☐ The drawing(s) filed on _____ 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).

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).
   Certified copies:
      a)☐ All   b)☐ Some** c)☐ None of the:
      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)☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.
3)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
4)☐ Other: _____.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit http://www.uspto.gov/forms/. The filing date of the application will determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and

approved immediately upon submission. For more information about eTerminal Disclaimers,

refer to http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 31-44 are provisionally rejected on the ground of nonstatutory double patenting

as being unpatentable over claims 1-20 of copending Application No. 13295353. Although the

claims at issue are not identical, they are not patentably distinct from each other because they are

obvious variants of each other.

This is a non-provisional nonstatutory double patenting rejection because the patentably

indistinct claims have not in fact been patented.

Claims **31-44** are provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1-20 of parent Application No. 13295352.

Although the conflicting claims are identical, they are not patentably distinct from each other

because they are both similar…

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claims 1, 3-5, 7-10, 12, 13, 19, 21-27, 29 and 31 are provisionally rejected on the

ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 31-

44 of parent Application No. 14533104. Although the conflicting claims are identical, they are

not patentably distinct from each other because they are both similar…