

Therefore, new data and user information are transferred to the website using HTTP. Support for the amended claims can also be found in the following lines in the applicant's original application:

Page 3, lines 29-31: "The client application selects the websites for publishing the transferred data and the multimedia content based on *user preferences configured on the Bluetooth enabled mobile device.*"

Page 4, lines 2-4: "The client application on the BT enabled mobile device automatically publishes the *transferred data* and multimedia content on one or more websites *using the settings configured by the user.*"

Page 14, lines 11-14: "After the captured image is transferred to the mobile device **202**, the client application **203 publishes** the capture image on the selected websites *based on the default timer and website settings configured by the user 502* on the mobile device **202.**"

Further, page 13, line 30 to page 14, line 1 discloses: "The user **502** may capture an image using the digital camera. The client application 203 on the mobile device **202** detects the captured image and initiates the transfer of the captured image and the associated files"; page 14, lines 6-11 of the original application discloses: "The user **502** may set preferences in the mobile device 202. The user preferences, for example, comprise the websites selected for publishing the transferred image. 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 transferred image on the selected websites"; page 15, lines 3-11 of the original application discloses: "Consider an investigative reporter, **Jane**, working for a prominent newspaper in New York City. Each day, she moves around the city chasing leads, interviewing people, videotaping her stories, taking pictures, and tracking down her next big story. When she is working on a story with an associate writer, she may need to upload her videos and pictures and send it immediately to the associate writer. 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”; and page 15, lines 13-15 discloses: “On one click or touch of a button, the pictures and videos are published and immediately made available on Jane’s private blog that may be accessed by the newspaper editor and her associates in the news office.” Therefore, the website receives the new-media and posts the new-media on the private blog of the user Jane based on the user information transferred along with the new-media.

Furthermore, the word “user” is mentioned more than 80 times and the word “information” is mentioned more than 6 times in the original application.

In view of the above remarks, applicant submits that amended claims 1 and 4 are fully supported by the original application.

Amended claims 10 and 21 are synonymous with amended claim 1. Applicant therefore submits that amended claims 10 and 21 are fully supported by the original application.

Claims 3, 4, 5 and 9 are dependent on claim 1. Claims 12, 13 and 19 are dependent on claim 10. Claims 22-26 are dependent on claim 21. Applicant therefore submits that dependent claims 3, 4, 5, 9, 12, 13, 19, and 22-26 are fully supported by the original application.

Claims 7, 8, 27, 29 and 31 are canceled in this response. Rejection of claims 7, 8, 27, 29 and 31 is therefore moot.

Therefore, applicant respectfully requests that the rejection of claims 1, 3, 4, 5, 9, 10, 12, 13, 19, and 21-26 under 35 U.S.C. 112, first paragraph be reconsidered and withdrawn.

New claim 32 is synonymous with amended claim 1. Applicant therefore submits that new claim 32 is fully supported by the original application.

New claims 33-36 are dependent on claim 32. New claim 37 is dependent on claim 10. New claim 38 is dependent on claim 21. Applicant therefore submits that dependent claims 33-38 are fully supported by the original application.

### *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 the claim amendments and the support table in pages 21-27 illustrate that the pending claims 1, 3-5, 9, 10, 12, 13, 19, 21-26, and 32-38 are fully supported in the specification. Therefore, applicant respectfully requests that the specification objection be reconsidered and withdrawn.

### *Claim Rejections -35 USC § 103*

The office action further states: **“Claims 1, 3, 8-9 are rejected under 35 Pre-AIA U.S.C. 103(a) as being unpatentable over Kennedy US 20030157960 Lin US 20050113131 further in view of Hardman US 20040059941.”**

In response to the above rejection, applicant submits the following arguments:

**First argument: “Lack of Pairing” vs “Short-Range Paired Wireless Connection”**

Applicant establishes a “short-range **paired** wireless connection” between the digital camera device and the cellular phone before acquiring “new-media”.

Claim 1 discloses a method and system for transferring “**new-media**” from a digital camera device to a cellular phone. First, a “**short-range paired wireless connection**” is established between the digital camera device and the cellular phone. “New-media” is **acquired** by the digital camera device **after** the short-range paired wireless connection is established (see page 7, lines 3-7 of the original application).

The office action on page 7 states that paragraph [0010] of Kennedy teaches establishing a paired BT connection between the data capture device and the cellular phone before acquiring new-data. 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 [0010] of Kennedy cited in the office action discloses: “the portable electronic device generally transfers its data as the data is acquired and as quickly as the wireless connections will allow.” 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.



**Lin also does NOT teach or suggest a step of establishing a “short-range paired wireless connection”** between the earphone and the cellular phone before acquiring “new temperature measurements”. **The word “pairing” is not disclosed by Lin.**

Each *data flow disclosed in Kennedy and Lin occurs on a non-paired connection.*

Furthermore, even **Hardman does NOT teach or suggest a step of establishing a “short-range paired wireless connection”** between the digital camera device and the cellular phone **before** acquiring “data”.

For the reasons presented above, applicant submits that Kennedy in view of Lin further in view of Hardman does not teach or suggest the following limitations in claim 1:

“establishing a short-range paired wireless connection between the digital camera device and the cellular phone, 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;”

“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;”

**Second argument: “Cryptographically authenticating identity of the cellular phone” v/s “lack of cryptographically authentication identity of the cellular phone”.**

Amended claim 1 recites that “*establishing a short-range paired wireless connection comprises cryptographically authenticating identity of the cellular phone*”.

**Kennedy** does **NOT** teach "*Cryptographically authenticating identity of the cellular phone*"

**Lin** does **NOT** teach "*Cryptographically authenticating identity of the cellular phone*"

**Hardman** does **NOT** teach "*Cryptographically authenticating identity of the cellular phone*"

Therefore, Kennedy, in view of Lin further in view of Hardman does not teach or suggest the above limitation.

**Third Argument:** “**Receiving a data transfer request for the already existing new-media file” v/s “lack of data transfer request for already acquired data”**

Page 7 Lines 1-12 of the applicant’s original application discloses: “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.

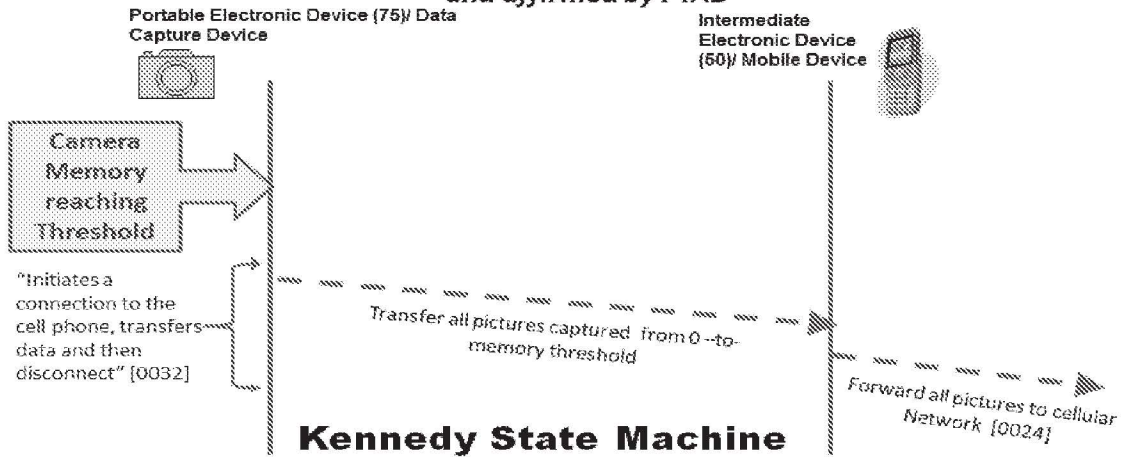
The office action on page 7 states that paragraph [0020] of Kennedy discloses this step. Applicant respectfully disagrees for the following reasons.

Paragraph [0020] of Kennedy discloses as follows: “The portable electronic device permits a user to take data that is acquired and or stored in the device and offload the data to an external remotely coupled device to make room for more data in the portable electronic device.”

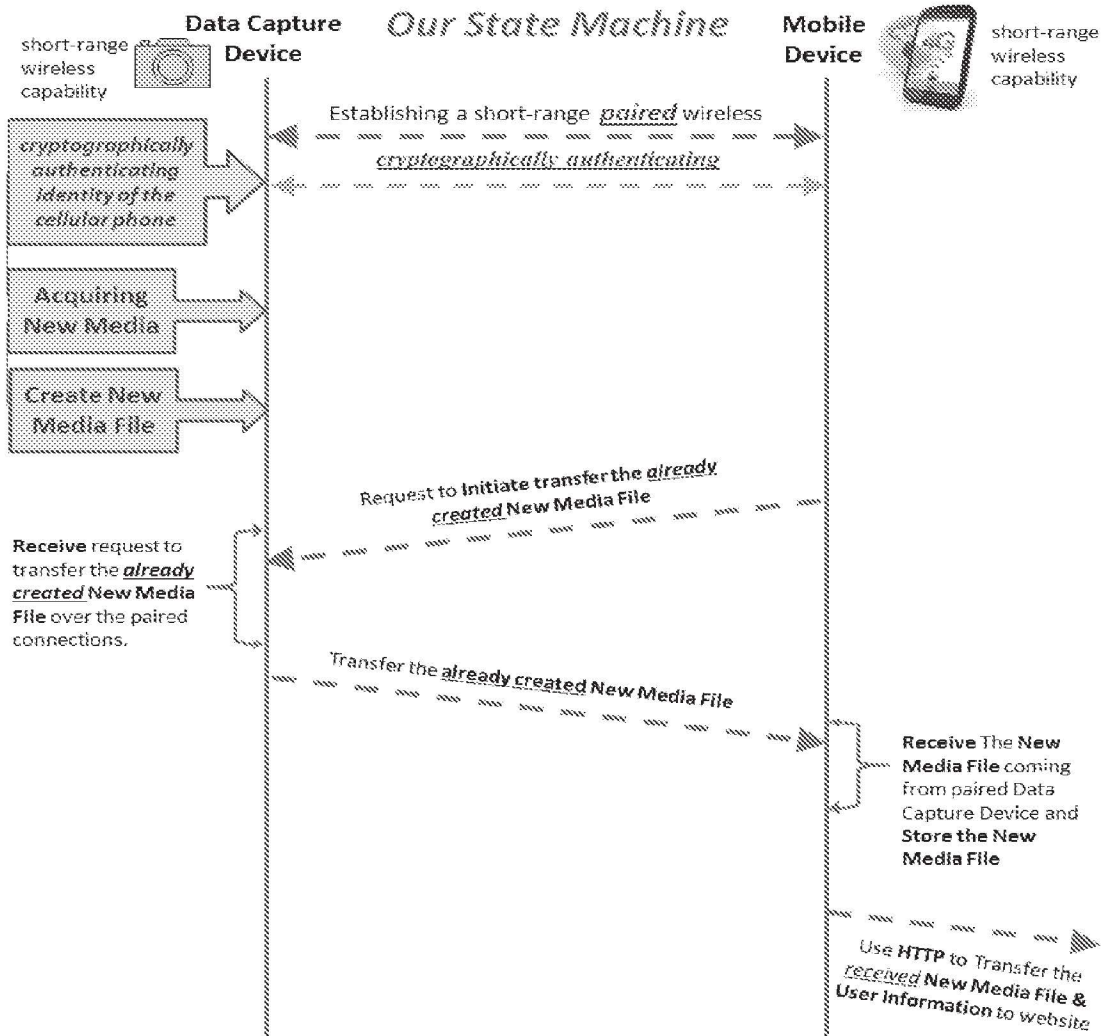
Paragraph [0020] of Kennedy indicates that the data capture device offloads the data to an external remotely coupled device (for example remote storage device) in order to free the memory of the data capture device for acquiring more data. It does not disclose (a) the digital camera device acquires new-media only **after** establishing a short-range paired wireless connection with the cellular phone, (b) the cellular phone detects the new-media acquired by the digital camera device, and (c) the cellular phone initiates the data transfer by sending a data transfer request to the digital camera device, over the established short-range paired wireless connection, where the data transfer request initiates the transfer of the already existing new-media file.

**Figure below shows that applicant's state machine is very different from Kennedy's state machine.**

**State Machine taught by "Kennedy"  
and affirmed by PTAB**



VS





Kennedy either in paragraph [0020] or elsewhere in his application does not disclose the digital camera device performing the following steps:

- (a) Establishing a short-range paired wireless connection with the cellular phone,
- (b) Acquiring new-data after establishing the short-range paired wireless connection, and
- (c) Receiving a data transfer request from the *cellular phone* that initiates the transfer of the already acquired new-media file.

The office action, on page 8 further states that paragraphs [0020], [0023]-[0025] of **Lin** disclose this step. Applicant respectfully disagrees for the following reasons.

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).”

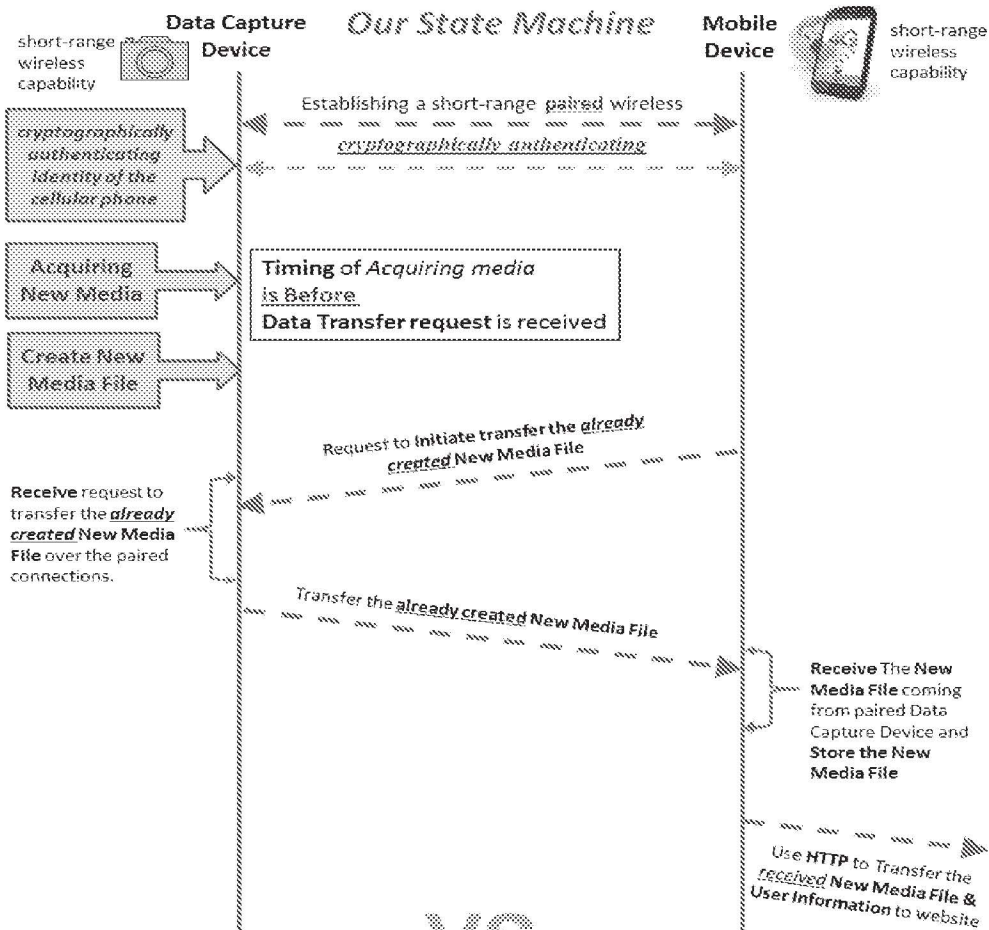
Further, Paragraph [0020] of Lin discloses: “Take the application of the Bluetooth mobile phone for example, a department director can choose to send a text message of

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.”

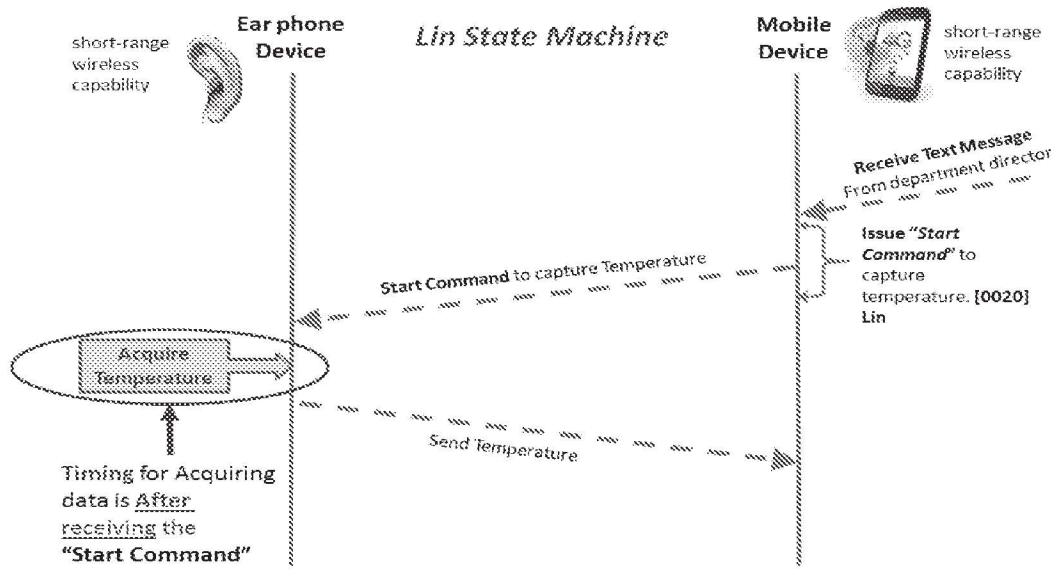
Therefore, in Lin, the measurement of temperatures by the earphone is triggered by the text message received by the mobile phone from an external source (the Director), which in turn causes the mobile phone to issue a start command to the earphone.

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 from an external source**. In applicant’s method, the cellular phone sends a data transfer request to the digital camera device that initiates the transfer of the **already existing new-media file** to the cellular phone over the short-range paired wireless connection.

**Figure below shows that the applicant’s “new-media and data transfer request based” state machine is very different from Lin’s “text message and start command based” state machine.**



VS



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.

In Lin's disclosure, the Director is the Master that sends a text message to the mobile phone and the mobile phone in turn sends "Start Command to the earphone to capture temperatures". In applicant's method, the request is for the data that has **already been captured**.

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

- (a) Establishing a short-range paired wireless connection with the cellular phone,
- (b) Acquiring new-media after establishing the short-range paired wireless connection, and
- (c) Receiving a data transfer request from the cellular phone that initiates the transfer of the already acquired new-media file to the cellular phone.

Hardman also does NOT teach or suggest (a) pairing the digital camera device and the cellular phone, (b) acquiring new-data by the digital camera device after establishing the short-range paired wireless connection with the cellular phone, (c) software application on the cellular phone detecting the new-media acquired by the digital camera device, and (d) digital camera device receiving a data transfer request from the software application on the cellular phone that initiates the transfer of the already existing new-media file to the cellular phone.

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

"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 existing new-media file;"



**Fourth Argument: “Data transfer initiated by the *Cellular phone*” VS “Data transfer initiated by the *Digital camera device*”**

Applicant discloses that after a paired connection is established between the cellular phone and the digital camera device, “**new-media**” is acquired by the digital camera device. 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 **already existing 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.*”).

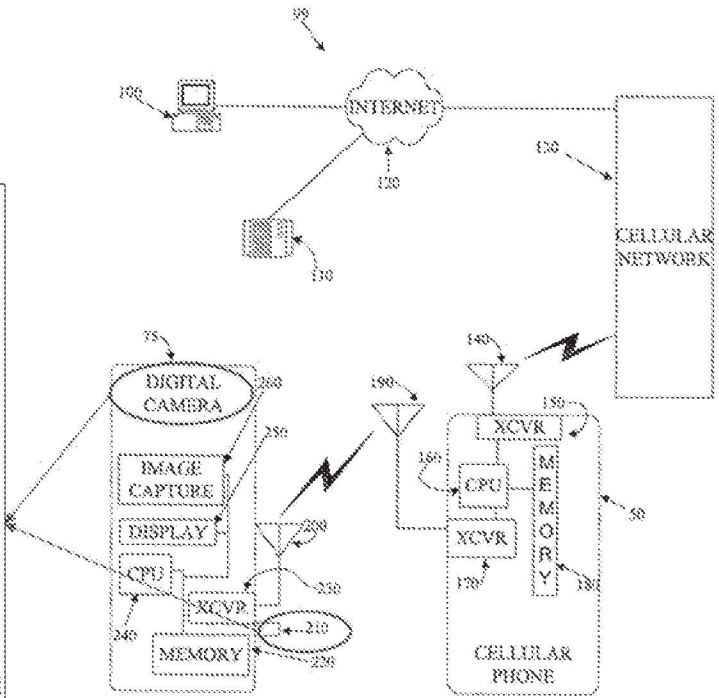
Kennedy paragraph [0010] discloses as follows: “Manual mode lets the **user decide** when to perform the upload **by activating a control on the portable electronic device.**” It is therefore clear that in the **manual mode** in Kennedy, data transfer is **initiated** by the user **from the Digital camera device** and NOT from **the Cellular Phone** (see Kennedy FIG. 2 reproduced below).

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 in Kennedy, the **User Interface Element 210** 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 that initiates the data transfer of already existing New-Media.

Kennedy also discloses a Hybrid mode of data transfer. However, even in Hybrid Mode [0034 Kennedy], the initiation of media transfer is performed by the Digital Camera device and **NOT** upon receipt of a data transfer request from the Cellular Phone.

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.”

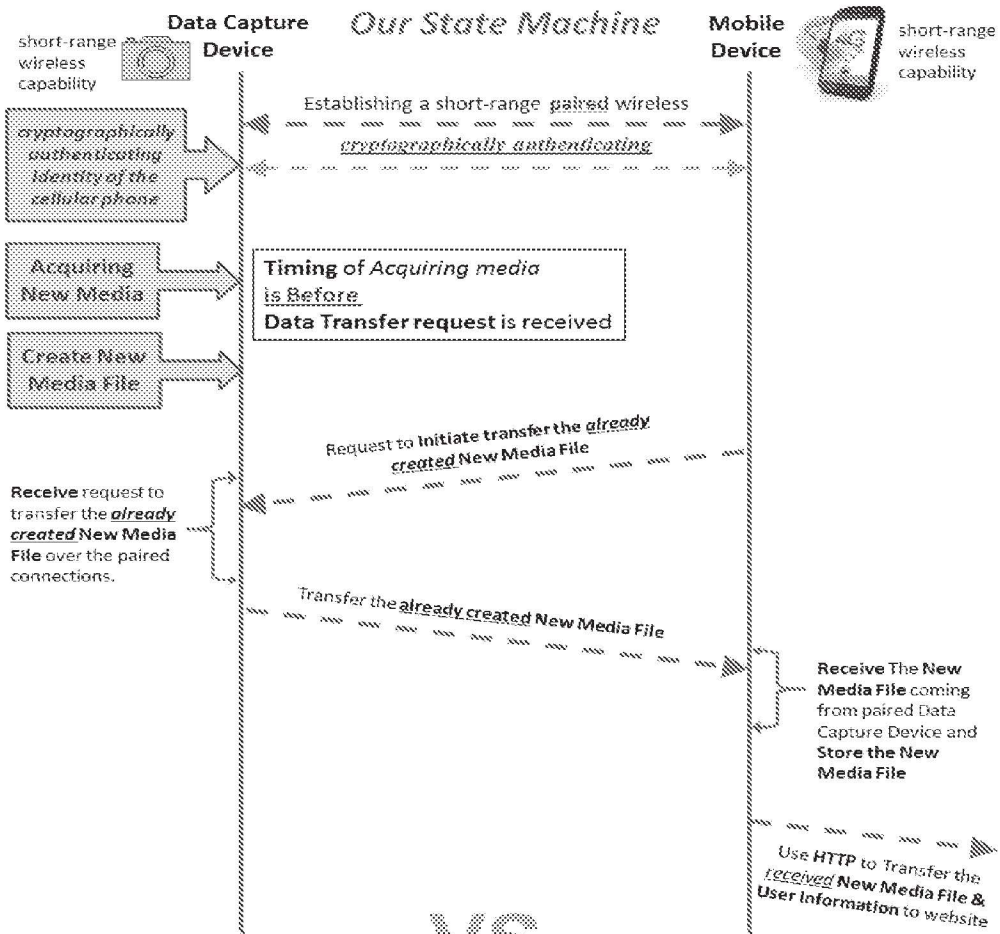
Therefore, in Kennedy there is **NO** data transfer request from the cellular phone that initiates the transfer of the **already existing New-Media file** to the cellular phone.

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 from the cellular phone that initiates the transfer of already existing New-Media.

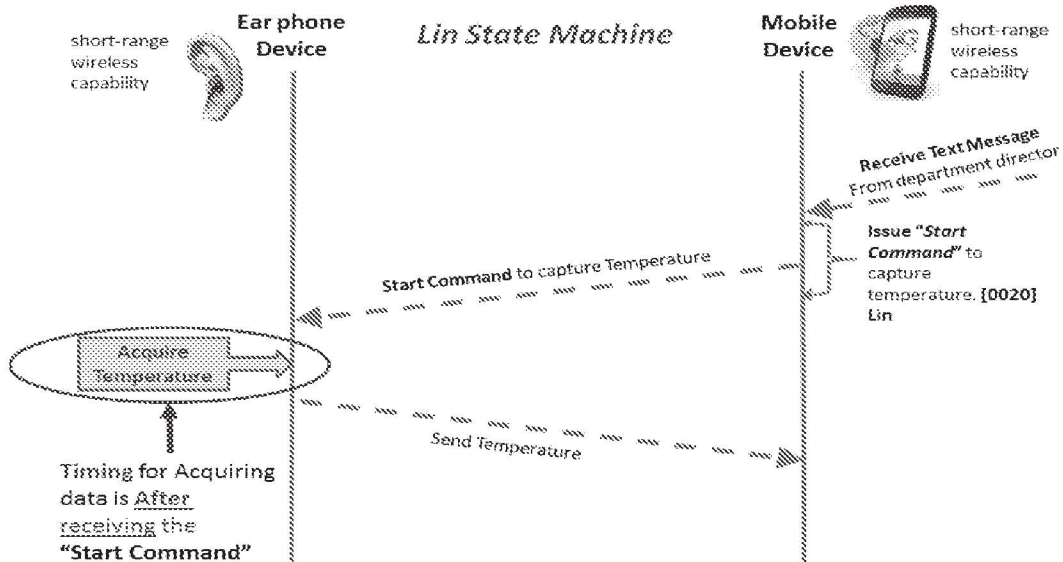
Lin also does NOT disclose sending data transfer request for already acquired data. In **Lin, the mobile phone receives a text message from an external source (the Director) and then sends a “Start Command” to the earphone to “measure” the temperatures. It is “not to transfer temperatures that were already measured” before receiving the “Start command”**. The distinction is very important because in the applicant's method the data transfer request is for the media file that already exists on the digital camera device.

“Start Command” to capture data is **NOT the same as** “Data transfer request for already existing media file”.

It is clearly illustrated by the timing of acquiring the data in Lin state machine and Applicant's state machine.



VS



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.



**Fifth Argument: Transfer of already acquired new-media file over a pre-established short-range paired wireless connection**

Claim 1 discloses that the already acquired new-media file is transferred to the cellular phone, over the **pre-established** short-range **paired** wireless connection.

The office action on pages 7-8 states that paragraph [0020] of Kennedy discloses this step. Applicant respectfully disagrees for the following reasons.

Paragraph [0020] of Kennedy discloses: “The portable electronic device permits a user to take data that is acquired and or stored in the device and offload the data to an external remotely coupled device to make room for more data in the portable electronic device. For example, pictures in a digital camera can be offloaded to a web-based server through the user's cell phone.”

Nowhere in paragraph [0020] or elsewhere does Kennedy disclose that the digital camera device performs the following step: “Transferring the already existing *new-media file* to the cellular phone, over the **pre-established** short-range **paired** wireless connection, where the cellular phone is configured to receive the transferred new-media file.”

Kennedy does not teach or suggest the digital camera device performs the method steps in the order given below:

- (a) Establishing a short-range paired wireless connection between the digital camera device and the cellular phone,
- (b) Acquiring new-media by the digital camera device, **after** establishing a short-range paired wireless connection,

- (c) Receiving a data transfer request initiated by a software application on the cellular phone that initiates the transfer of already existing New-Media file to the cellular phone, and only then
- (d) Transfer the already existing new-media file to the cellular phone **over the pre-established short-range paired wireless connection.**

The office action on page 6 states that paragraphs [0020], [0023]-[0025] of Lin disclose this step. Applicant respectfully disagrees for the following reasons.

None of the cited paragraphs in Lin teach or suggest the earphone performing the following steps:

- (a) Establishing a short-range **paired** wireless connection with the cellular phone,
- (b) Acquiring new temperature measurements, **after** establishing a short-range paired wireless connection,
- (c) Receiving a data transfer request from the cellular phone, where the data transfer request initiates the transfer of **already existing** temperature measurements to the cellular phone, and **only then**
- (d) Transferring the pre-acquired temperature measurements to the cellular phone over the pre-established short-range paired wireless connection.

Hardman also does not teach or suggest the digital camera device performing the method steps in the order listed above.

Therefore, Kennedy in view of Lin and Hardman 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, wherein the cellular phone is configured to receive the new-media file ...”

**Sixth Argument: Using HTTP to transfer received new-media file and user information from a cellular phone to a website**

Claim 1 discloses that the digital camera device together with the software application on the cellular phone performs the following steps (see **FIG. 1** of the original application):

Step 103: Establishing a short-range paired wireless connection between the digital camera device and the cellular phone.

Step 104: New-media is acquired by the digital camera device.

Step 105: Detection of new-media by the cellular phone and sending the data transfer request to the cellular phone that initiates the transfer of the already existing new-media file to the cellular phone.

Step 106: Transfer of already existing new-media file from the digital camera device to the cellular phone.

**Only after the above steps, the cellular phone performs:**

Step 107: Use HTTP to transfer the received new-media and user information to the website over the cellular data network (see page 16, lines 15-17 of the original application: “The transport protocol that is used between the client application 203 and the publishing service 401 may be hypertext transfer protocol (HTTP)...”)

Page 8 of the office action states that paragraph [0020] of Kennedy discloses this step. Applicant respectfully disagrees for the following reasons.

**Kennedy does not disclose HTTP.**

Paragraph [0020] of Kennedy discloses: “The portable electronic device permits a user to take data that is acquired and or stored in the device and offload the data to an external remotely coupled device to make room for more data in the portable electronic device. For example, pictures in a digital camera can be offloaded to a web-based server through the user's cell phone.”

Nowhere in paragraph [0020] does Kennedy teach or suggest that the camera performs the steps **103-106** in sequence before performing step **107**. In other words, Kennedy does NOT teach or suggest transfer of new-media and user information from the cellular phone to the website using Hyper Text Transfer Protocol (**HTTP**). **There is NO mention of HTTP or Hyper Text Transfer Protocol in Kennedy.**

The office action page 9 states that paragraphs [0030] and [0036] of Hardman teaches a HTTP request comprising user information and received new-media. Applicant respectfully disagrees for the following reasons.

Paragraph [0030] of Hardman discloses: “A request in the HTTP protocol can be made in a post request, the browser supplies the URL and additional information, such as a user name and password appended to the URL. In most cases, the additional information is information that a user entered into an HTML form.”

Paragraph [0036] of Hardman discloses: “In an embodiment, such systems and methods provide for application software running on access device 150, such as a photo uploader, to access content servers 110, 120 and upload a desired photograph. Prior to accessing content servers 110, 120 a user associated with access device 150 is



authenticated to content servers 110, 120 and/or authorized to access the desired content server.”

**Hardman argument 1: “Native media” vs “wirelessly transferred media”**

Applicant discloses that the cellular phone is configured to transfer the “**received new-media and user information**” to a remote website using HTTP over the cellular data network. In applicant’s method, the cellular phone receives the new-media from a digital camera device over an established short-range paired wireless connection.

Hardman does NOT teach wirelessly receiving new-media from another wirelessly connected device (digital camera device), *combining that* with user information, and sending both of them to the website. In contrast, Hardman discloses, inter alia, that the HTTP is applied to data that is **native** to the computer.

In Hardman, the **HTTP is NOT applied to media that is “received** from a digital camera device over an established short-range paired wireless connection”, or for that matter any wireless link.

**The difference between native vs received (non-native) data may be illustrated as follows:**

*Consider an example* of a PC connected to a normal home wireless router. In every day scenario, the PC attaches a hypertext transfer protocol (HTTP) header and user information to the Data generated by the PC (native media). In contrast, in applicant’s method, the cellular phone is configured to send received new-media (non-native media) combined with user information stored on the cellular phone to the website. In applicant’s method, the cellular phone is acting as more than just a normal home wireless router. Home Wireless routers do not “apply HTTP and combine user information store on the wireless router to the data received from the PC”.

In applicant's method, the short-range wireless pairing established is therefore very important for non-native media that is acquired by a physically separate device and then transferred to the cellular phone over the *trusted paired* wireless connection.

**Hardman argument 2: “Using a Web Browser on a PC for native media” vs “Using a software application running on a cellular phone for wirelessly received data”.**

In applicant's method, for new-media received by the cellular phone, the user is not filling out the web-browser based HTTP web form to attach user information to the received new-media before the cellular phone sends that data to the website.

In Hardman, attaching user information is done by filling out a web page on a browser running on a PC. In applicant's method, the software application (not the browser) on a much smaller cellular phone with cellular connection (not a PC) is attaching the user information.

Further, Hardman either singly or in combination with Kennedy and Lin does not teach or suggest performing the steps **103-106** in the sequence shown above, before performing step **107**.

Therefore, Kennedy in view of Lin and Hardman 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, wherein the cellular phone is configured to receive the new-media file, wherein the cellular phone is configured to store the 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 website.”

In view of the above arguments, applicant submits that claim 1 is not obvious over Kennedy in view of Lin further in view of Hardman. Claims 10 and 21 are synonymous to claim 1 and are therefore not obvious over Kennedy in view of Lin further in view of Hardman. Claims 3 and 9 are dependent on claim 1; claims 12, 13 and 19 are dependent on claim 10; and claims 22-26 are dependent on claim 21. Applicant therefore submits that dependent claims 3, 9, 12, 13, 19, and 22-26 are also not obvious over Kennedy in view of Lin further in view of Hardman.

Applicant therefore respectfully requests that the rejection of claims 1, 3, 9, 10, 12, 13, 19, 21, and 22-26 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.

Claims 7, 8, 27, 29 and 31 are canceled in this response. Rejection of claims 7, 8, 27, 29 and 31 is therefore moot.

The office action further states: **“Claims 4-7 are rejected under 35 Pre-AIA U.S.C. 103(a) as being unpatentable over Kennedy-Lin-Hardman further in view of Ihara US 20120089538.”**

In response to the above rejection, applicant submits the following arguments:

Previously presented claim 4 recited as follows: “The machine-implemented method of claim 1, wherein the mobile device comprises a graphical user interface (GUI) configured to receive a selection of a remote website for the transfer of the received new media file.”

The office action on page 10 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]).

Previously presented claim 5 recited as follows: “The machine-implemented method of claim 1, wherein the mobile device comprises a graphical user interface (GUI) configured to receive an input, wherein said input corresponds to selecting one or more of the new media files using the information of one or more new media files received from the data capture device, over the established short-range paired wireless connection.”

The office action on pages 10 and 11 states that Kennedy and Ihara teach the above limitation.

Applicant’s amended claim 4 discloses as follows: “The machine-implemented method of claim 1, wherein the user information corresponds to user related information used by the website to process the new-media file.”

Claim 5 is canceled. Therefore, rejection of claim 5 is moot.

Further, amended claim 4 is dependent on amended claim 1. Kennedy, in view of Lin and Hardman, further in view of Ihara does not teach or suggest many of the limitations in amended claim 1. Therefore, amended claim 1 is non-obvious over Kennedy, in lieu of Lin and Hardman, and further in view of Ihara. Since amended claim 1 is non-obvious over Kennedy, in lieu of Lin and Hardman, and further in view of Ihara, dependent claim 4 is also non-obvious over Kennedy, in lieu of Lin and Hardman, and further in view of Ihara.

Applicant therefore respectfully requests that the rejection of claim 4 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.

Claim 6 was canceled in the previous response to the office action. Claim 7 is canceled in this response. Rejection of claims 6 and 7 is therefore moot.

Applicant has amended claims 10 and 21 to recite “provide a graphical user interface (GUI) for the received new-media file”. As explained above, GUI was recited in claims 4 and 5 prior to this amendment. The office action on page 10 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, Lin, Hardman and Ihara, either alone or in combination do not teach or suggest that the GUI is for a new-media file “received” by the cellular phone.

The office action further states: “**Claims 10-31 are rejected for similar reason as stated above.**”

In response to the above rejection, applicant submits the following arguments:

Applicant has illustrated above that amended claim 1 is non-obvious over Kennedy, in lieu of Lin and Hardman, and further in view of Ihara.

Claims 10 and 21 are synonymous to claim 1 and are therefore also not obvious over Kennedy, in lieu of Lin and Hardman, and further in view of Ihara.

Claims 12, 13 and 19 are dependent on claim 10; and claims 22-26 are dependent on claim 21. Dependent claims 12, 13, 19, and 22-26 are therefore also non-obvious over Kennedy, in lieu of Lin and Hardman, and further in view of Ihara.

Applicant therefore respectfully requests that the rejection of claims 10, 12, 13, 19, and 21-26 under 35 Pre-AIA U.S.C. 103(a) be reconsidered and withdrawn.



Claims 11, 14-18, 20, 28 and 30 were canceled in the previous response to the office action. Claims 27 and 31 are canceled in this response. Rejection of claims 11, 14-18, 20, 27, 28, 30 and 31 is therefore moot.

New claim 32 is synonymous to claim 1 and is therefore not obvious over Kennedy, in view of Lin and Hardman, and further in view of Ihara. Claims 33-36 are dependent on claim 32.

New claim 37 is dependent on claim 10 and new claim 38 is dependent on claim 21.

Applicant therefore submits that new claims 32-38 are also not obvious over Kennedy, in view of Lin and Hardman, and further in view of Ihara.

#### 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: July 14, 2015

/s tankha/  
Ashok Tankha  
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**CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION  
 UNDER 37 CFR 1.102(e)** (Page 1 of 1)

First Named Inventor:	Gurvinder Singh	Nonprovisional Application Number (if known):	14/533,104
Title of Invention:	Automatic Multimedia Upload For Publishing Data And Multimedia Content		

**APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS PRIORITIZED EXAMINATION FOR THE ABOVE-IDENTIFIED APPLICATION.**

1. The processing fee set forth in 37 CFR 1.17(i), the prioritized examination fee set forth in 37 CFR 1.17(c), and if not already paid, the publication fee set forth in 37 CFR 1.18(d) have been filed with the request. The basic filing fee, search fee, examination fee, and any required excess claims and application size fees are filed with the request or have been already been paid.
2. The application contains or is amended to contain no more than four independent claims and no more than thirty total claims, and no multiple dependent claims.
3. The applicable box is checked below:

**I.  Original Application (Track One) - Prioritized Examination under § 1.102(e)(1)**

- i. (a) The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a). This certification and request is being filed with the utility application via EFS-Web.  
 ---OR---  
 (b) The application is an original nonprovisional plant application filed under 35 U.S.C. 111(a). This certification and request is being filed with the plant application in paper.
- ii. An executed oath or declaration under 37 CFR 1.63 is filed with the application.

**II.  Request for Continued Examination - Prioritized Examination under § 1.102(e)(2)**

- i. A request for continued examination has been filed with, or prior to, this form.
- ii. If the application is a utility application, this certification and request is being filed via EFS-Web.
- iii. The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a), or is a national stage entry under 35 U.S.C. 371.
- iv. This certification and request is being filed prior to the mailing of a first Office action responsive to the request for continued examination.
- v. No prior request for continued examination has been granted prioritized examination status under 37 CFR 1.102(e)(2).

Signature /a tankha/	Date 07/14/2015
Name (Print/Typed) Ashok Tankha	Practitioner Registration Number 33802

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

## 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.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>14/533,104</b>	Filing Date <b>11/05/2014</b>	<input type="checkbox"/> To be Mailed
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ENTITY:  LARGE  SMALL  MICRO

**APPLICATION AS FILED – PART I**

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
<input type="checkbox"/> 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 \$ =	
<input type="checkbox"/> 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).			
<input type="checkbox"/> 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)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>	<b>07/14/2015</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			
	Total (37 CFR 1.16(i))	* 21	Minus	** 30	= 0	X \$40 = 0
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X \$210 = 0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	<b>0</b>

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
<input type="checkbox"/> 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  
/DONNA 1. SMALLS LOGAN/

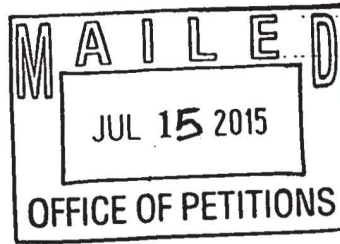
This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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





Ashok Tankha  
36 Greenleigh drive  
Sewell NJ 08080



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Doc Code: TRACK1.GRANT

<b>Decision Granting Request for Prioritized Examination (Track I or After RCE)</b>	Application No.: 14/533,104
<p>1. THE REQUEST FILED <u>July 14, 2015</u> IS <b>GRANTED</b>.</p> <p>The above-identified application has met the requirements for prioritized examination</p> <p>A. <input type="checkbox"/> for an original nonprovisional application (Track I).</p> <p>B. <input checked="" type="checkbox"/> for an application undergoing continued examination (RCE).</p> <p>2. <b>The above-identified application will undergo prioritized examination.</b> The application will be accorded special status throughout its entire course of prosecution until one of the following occurs:</p> <p>A. filing a <b>petition for extension of time</b> to extend the time period for filing a reply;</p> <p>B. filing an <b>amendment to amend the application to contain more than four independent claims, more than thirty total claims</b>, or a multiple dependent claim;</p> <p>C. filing a <b>request for continued examination</b>;</p> <p>D. filing a notice of appeal;</p> <p>E. filing a request for suspension of action;</p> <p>F. mailing of a notice of allowance;</p> <p>G. mailing of a final Office action;</p> <p>H. completion of examination as defined in 37 CFR 41.102; or</p> <p>I. abandonment of the application.</p> <p>Telephone inquiries with regard to this decision should be directed to Brian W. Brown at 571-272-5338.</p> <p>/Brian W. Brown/ [Signature]</p> <p>Petitions Examiner, Office of Petitions (Title)</p>	



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application details for Gurvinder Singh and Ashok Tankha.

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.

<b>Office Action Summary</b>	<b>Application No.</b> 14/533,104	<b>Applicant(s)</b> SINGH ET AL.	
	<b>Examiner</b> SULAIMAN NOORISTANY	<b>Art Unit</b> 2415	<b>AIA (First Inventor to File) Status</b> Yes

-- 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 7/14/15.  
 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 32-38 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, 32-38 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](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto: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: \_\_\_\_\_

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

### ***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



Art Unit: 2415

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.

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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...

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**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 claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the applicant fails to sufficiently point out or describe as follow:

**Claim 1** - wherein the data transfer request is for **the already 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.

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

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

### *Claim Rejections - 35 USC § 103*

The following is a quotation of Pre-AIA 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 negatived by the manner in which the invention was made.

**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.**

Art Unit: 2415

**Claim 1**, Kennedy teaches wherein a machine-implemented method of media transfer, comprising:

for a digital camera device having a short-range wireless capability to connect with a cellular phone, wherein the cellular phone has access to the internet, performing in the digital camera device (**fig. 1, unit 75 & 50**);

establishing a short-range paired wireless connection between the digital camera device and the 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 (**the portable electronic device is a Bluetooth-enabled camera that communicates to a cellular telephone via a Bluetooth wireless link [0009, 0021] - fig. 1, unit 75 & 50**);

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 (**the portable electronic device generally transfers its data as the data is acquired and as quickly as the wireless connections will allow [0010, 0032-0034]**);

creating a new-media file using the acquired new-media (**fig. 2, 220 [0023]**);

storing the created new-media file in a first non-volatile memory of the digital camera device (**fig. 2, 220 [0023]**);

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**(112<sup>th</sup> first) created new-media file (**The camera can be configured for any one**

Art Unit: 2415

**of a plurality of operational modes such as real-time upload, automatic upload or manual upload [0010]); and**

transferring the new-media file to the cellular phone, over the established short-range paired wireless connection **(The camera can be configured for any one of a plurality of operational modes such as real-time upload, automatic upload or manual upload [0010]),** 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 **(In this configuration, the iPaq pocket PC or portable computer could use local memory 180, comprising non-volatile (e.g., hard disk) or volatile (e.g., RAM) to further buffer the data in response to network delays [0026]),** and wherein the cellular phone is configured to upload the received new-media file along with user information to a website **(pictures in a digital camera can be offloaded to a web-based server through the user's cell phone ...broadcast these images through an automated email distribution list, or may automatically post them to a web site, which can then be accessed by multiple users [0020, 0029]).**

**Kennedy** merely discloses “wherein establishing the short-range paired wireless connection comprises, the digital camera device cryptographically authenticating identity of the cellular phone;

receiving a data transfer request initiated by a software application on the cellular phone, over the established short-range paired wireless connection, and

use HTTP”

**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 [0375])**

Thus, it would have been obvious to one ordinary skill in art **before the effective filing date of the claim invention** to modify **Kennedy's** invention to include the above citation of the King's invention in order to establish a secure connection ([0375]).

**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]).

Thus, it would have been obvious to one ordinary skill in art **before the effective filing date of the claim invention** to modify **Kennedy's** invention to include the above cited of the Lin's invention in order to receives the body temperature value T by the Bluetooth earphone 100 ([0020]).

**Pryor** further teaches a system including the wherein the cellular phone is configured to use the HTTP 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]).

Thus, it would have been obvious to one ordinary skill in art **before the effective filing date of the claim invention** to modify **Kennedy**'s invention to include the above citation of the Pryor's invention in order to upload data to a server ([0018]).

**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**

Claim 10 is rejected for similar reason as stated above except for the limitation “provide a graphical user interface (GUI) for the received new-media file”

**Ihara** further teaches that it is well known to have a system to include graphical user interface GUI ([0076-0077] **“GUI”**) in order to make uploading data more efficient ([0076-0077]).

Thus, it would have been obvious to one ordinary skill in the art **before the effective filing date of the claim invention** to modify Kennedy's invention in order to make uploading data more efficient ([0076-0077]), as taught by Ihara.

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

*Response to Amendment*

Applicant's arguments with respect to claim(s) 1, 3-4, 9-10, 12-13, 19, 21-26, 32-38 have been considered but are moot in view of the new ground(s) of rejection.

**Remarks:**

The examiner stresses that the claims are too broad and require detail or specialization of the steps as recited in the claims. Alone and as claimed, the limitations are too open.

*Conclusion*

**Examiner's Note:** Examiner has cited particular portions of the references as applied to each claim limitation for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571)270-1929. The examiner can normally be reached on M-T 10am-4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Rutkowski can be reached on 571-270-1215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2415

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/SULAIMAN NOORISTANY/  
Primary Examiner, Art Unit 2415**

<b>Notice of References Cited</b>	Application/Control No. 14/533,104	Applicant(s)/Patent Under Reexamination SINGH ET AL.	
	Examiner SULAIMAN NOORISTANY	Art Unit 2415	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2006/0029296	02-2006	King et al.	382/313
*	B US-2005/0273592	12-2005	Pryor et al.	713/150
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			


**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

**NON-PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<b>Index of Claims</b> 	<b>Application/Control No.</b> 14533104	<b>Applicant(s)/Patent Under Reexamination</b> SINGH ET AL.
	<b>Examiner</b> SULAIMAN NOORISTANY	<b>Art Unit</b> 2415

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>


N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	02/17/2015	04/14/2015	07/30/2015					
	1	✓	✓	✓					
	2	✓	-	-					
	3	✓	✓	✓					
	4	✓	✓	✓					
	5	✓	✓	-					
	6	✓	-	-					
	7	✓	✓	-					
	8	✓	✓	-					
	9	✓	✓	✓					
	10	✓	✓	✓					
	11	✓	-	-					
	12	✓	✓	✓					
	13	✓	✓	✓					
	14	✓	-	-					
	15	✓	-	-					
	16	✓	-	-					
	17	✓	-	-					
	18	✓	-	-					
	19	✓	✓	✓					
	20	✓	-	-					
	21	✓	✓	✓					
	22	✓	✓	✓					
	23	✓	✓	✓					
	24	✓	✓	✓					
	25	✓	✓	✓					
	26	✓	✓	✓					
	27	✓	✓	-					
	28	✓	-	-					
	29	✓	✓	-					
	30	✓	-	-					
	31		✓	-					
	32			✓					
	33			✓					
	34			✓					
	35			✓					
	36			✓					



<b><i>Index of Claims</i></b>  	<b>Application/Control No.</b> 14533104	<b>Applicant(s)/Patent Under Reexamination</b> SINGH ET AL.
	<b>Examiner</b> SULAIMAN NOORISTANY	<b>Art Unit</b> 2415

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	02/17/2015	04/14/2015	07/30/2015					
	37			✓					
	38			✓					

**EAST Search History****EAST Search History (Prior Art)**


Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S241	1	"14533104"	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:04
S242	3227674	pair\$3	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:35
S243	0	pair\$3 same capture near divce same mobile near device	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:35
S244	69	pair\$3 same capture near device same mobile near device	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:35
S245	26	pair\$3 same capture near device same mobile near device same bluetooth	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:36
S246	1	"7096038".pn.	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:42
S247	69	pair\$3 same capture near device same mobile near device	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:52
S248	46	S247 and (short near range or bluetooth)	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:53
S249	19	S247 and (short near range or bluetooth) same (authentica\$4 or cryptograph\$5 or key near exchane)	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:54
S250	19	S247 and (short near range or bluetooth) same (authentica\$4 or cryptograph\$5 or key near exchange)	US-PGPUB; USPAT	OR	OFF	2015/07/30 17:54

**EAST Search History (I nterference)**

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**7 / 30 / 2015 10:17:38 PM**

**C:\Users\snooristany\Documents\EAST\Workspaces\13922219.wsp**

<b>Search Notes</b>  	<b>Application/Control No.</b>  14533104	<b>Applicant(s)/Patent Under Reexamination</b>  SINGH ET AL.
	<b>Examiner</b>  SULAIMAN NOORISTANY	<b>Art Unit</b>  2415

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Tech Search in EAST, Google, Inventor Search, US PGPUB, USPAT, FPRS, JPO, DERWENT.	2/17/2015	SN
Tech Search in EAST, Google, Inventor Search, US PGPUB, USPAT, FPRS, JPO, DERWENT.	4/14/2015	SN
Tech Search in EAST, Google, Inventor Search, US PGPUB, USPAT, FPRS, JPO, DERWENT.	7/30/2015	SN

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re. application of:

Application No.: 14/533,104

Filed: 11/05/2014

Applicant: Gurvinder Singh

Title: Automatic Multimedia Upload

For Publishing Data And

Multimedia Content

Examiner: Nooristany, Sulaiman

Art Unit: 2415

Docket no.: CellSpin\_04Con10\_US

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Response to Non-Final Office Action**

Examiner Nooristany:

In response to the non-final office action mailed August 03, 2015, please amend the above-referenced application as follows:

**Listing of claims** begins on page 2 of this response and all claims remain as presented in the previous response.

**Remarks** begin on page 14 of this response.

**Attachments:**

1. Transmittal form, PTO/SB/21.

## Amendment to the Claims

Claim 1 (currently amended): A machine-implemented method of media transfer, comprising:

for a digital camera device having a short-range wireless capability to connect with a cellular phone, wherein the cellular phone has access to the internet, performing in the digital camera device:

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 ~~crypto graphically~~ cryptographically authenticating identity of the 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;~~

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;

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 mobile 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.

Claim 2 (canceled).

Claim 3 (currently amended): The machine implemented method of claim 1, further comprising, performing in the digital camera device:

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 4 (currently amended): The machine-implemented method of claim 1, wherein the user information corresponds to user related information used by the user media publishing website to ~~process~~ publish the new-media file.

Claims 5-8 (canceled).

Claim 9 (previously presented): The machine implemented method of claim 1, wherein the new-media comprises one or more of video data and image data.

Claim 10 (currently amended): A short-range wireless enabled digital camera device, comprising:

a first non-volatile memory device;

a first processor coupled to said first non-volatile memory device;

a short-range wireless communication ~~module~~ device configured to control the first processor to establish a short-range paired wireless connection between the short-range wireless enabled digital camera device and a short-range wireless enabled cellular phone, ~~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;~~

a data capture ~~module~~ circuitry; and

~~a module configured to control the first processor to:~~

said first processor configured to acquire new-media in the digital camera device using the data capture ~~module~~ circuitry, wherein the new-media is acquired after establishing the short-range paired wireless connection between the digital camera device and the cellular phone;

said first processor configured to create a new media file using the acquired new-media;

said first processor configured to store the created new-media file in the first non-volatile memory device;

said first processor configured to receive 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 ~~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

said first processor configured to transfer the new-media file to the cellular phone, over the established short-range paired wireless connection, wherein the cellular phone comprises a mobile software application that when executed by a ~~second~~ processor of the cellular phone is configured to control the ~~second~~ processor of the cellular phone to receive the new-media file, store the received new-media file in a ~~second~~ non-volatile memory device of the cellular phone, and provide a graphical user interface (GUI) for the received new-media file.

Claim 11 (canceled).

Claim 12 (currently amended): The short-range wireless enabled digital camera device of claim 10, wherein the ~~module~~ first processor is further configured to ~~control the first processor to:~~

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

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

transfer the associated file to the cellular phone, over the established short-range paired wireless connection, wherein the mobile software application on the cellular phone that when executed by the processor of the cellular phone is further configured to control ~~further controls~~ the ~~second~~ processor of the cellular phone to receive the associated file, ~~[[and]]~~ store the received associated file in the ~~second~~ non-volatile memory device of the cellular phone, and provide a GUI for the received associated file.

Claim 13 (previously presented): The short-range wireless enabled digital camera device of claim 10, wherein the new-media comprises one or more of video data and image data.

Claims 14-18 (canceled).

Claim 19 (currently amended): The short-range wireless enabled digital camera device of claim 10, wherein the mobile software application that when executed by the processor of the cellular phone is further configured to control the ~~second~~ processor of the cellular phone to receive input from the graphical user interface (GUI) to delete the created new-media file.

Claim 20 (canceled).

Claim 21 (currently amended): A system for transferring media, the system comprising:

a digital camera device, comprising;

a first non-volatile memory device;

a first processor coupled to the first memory device;

a short-range wireless communication ~~module~~ device configured to establish a short-range paired wireless connection with an internet connected cellular phone, ~~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;~~

a data capture ~~module~~ circuitry; and

~~a module configured to control the first processor to:~~

said first processor configured to acquire new-media in the digital camera device using the data capture ~~module~~ circuitry, wherein the new-media is acquired after establishing the short-range paired wireless connection with the cellular phone, wherein the new-media comprises one or more of video data and image data;

said first processor configured to create a new-media file using the acquired new-media;

said first processor configured to store the created new-media file in the first non-volatile memory device;

said first processor configured to receive 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



said first processor configured to transfer the new-media file to the cellular phone, over the established short-range paired wireless connection;

[[a]] said software application for the cellular phone, wherein the software application is embodied as executable program instructions that when executed by a ~~second~~ processor of the cellular phone, is configured to control the ~~second~~ processor of the cellular phone to:

send the data transfer request to the digital camera device, over the established short-range paired wireless connection, wherein the data transfer request corresponds to transfer of the new-media file;

receive the new-media file from the digital camera device, over the established short-range paired wireless connection;

store the received new-media file in a ~~second~~ non-volatile memory device of the cellular phone; and

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

Claim 22 (currently amended): The system of claim 21, wherein the ~~module~~ first processor is further configured to ~~control the first processor to~~:

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

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

transfer the associated file to the cellular phone, over the established short-range paired wireless connection, wherein the software application on the cellular phone that when executed by the processor of the cellular phone is further configured to control ~~further controls~~ the ~~second~~ processor of the cellular phone to receive the associated file, ~~[[and]]~~ store the received associated file in the ~~second~~ non-volatile memory device of the cellular phone, and provide a graphical user interface (GUI) for the received associated file.

Claim 23 (currently amended): The system of claim ~~[[22]]~~ 21, wherein the software application that when executed by the processor of the cellular phone is further configured to control the ~~second~~ processor of the cellular phone to delete the created new-media file based on input received from the graphical user interface (GUI).

Claim 24 (previously presented): The system of claim 21, wherein the new-media comprises one or more of video data and image data.

Claim 25 (currently amended): The system of claim 21, wherein ~~[[the]]~~ internet access capability of the cellular phone is via a cellular data network.

Claim 26 (currently amended): The system of claim 21, wherein the software application is one of:

stored on a non-transitory computer-readable medium and is installable in the ~~second~~ non-volatile memory device of the cellular phone; and

downloadable on to the ~~second~~ non-volatile memory device of the cellular phone from a remote server ~~via the cellular data network.~~

Claims 27-31 (canceled).