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

claims have not in fact been patented.

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 Shiotsu US

20010051530 further in view of Pryor US 20050273592.

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 **(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 <u>as quickly as the wireless connections will allow</u> [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 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]]*, wherein the are files was created in the digital camera device before receiving the data transfer (**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]**); 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 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 user media publishing 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 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

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]).

Shiotsu further teaches wherein 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 **(The signal processing unit 11 of the personal computer 10, upon receipt of the connection permission, transmits data <u>transmission request</u> to the signal processing unit 41 of the digital camera 40 through the communication units 12 and 42 …[0091-0092, 0094] fig. 8-9A)** in order to transfer data to and <u>from</u> a peripheral device having a similar wireless communication unit, e.g. a <u>digital camera (DC) 5</u>, a facsimile machine (FAX) or a printer (PR) 6, via wireless modules or cards based on the Bluetooth Standard ([0037]).

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 **Shiotsu**'s invention in order to transfer data to and <u>from</u> a peripheral device having a similar wireless communication unit, e.g. a <u>digital camera (DC) 5</u>, a facsimile machine (FAX) or a printer (PR) 6, via wireless modules or cards based on the Bluetooth Standard ([0037]).

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, 40-47 are rejected for similar reason as stated above.

Claim 39, 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 (**King: [0735]**)

Response to Amendment

Applicant's arguments with respect to claim(s) 1, 3-4, 9-10, 12-13, 19, 21-26, 32-47 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.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory period for

reply expire later than SIX MONTHS from the date of this final action.

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

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

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2001/0051530 A1	12-2001	Shiotsu et al.	455/522
	B	US-			
	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

*		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.

Search Notes	**Application/Control No.**	**Applicant(s)/Patent Under Reexamination**
[barcode]	14533104	SINGH ET AL.
	Examiner	**Art Unit**
	SULAIMAN NOORISTANY	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
Tech Search in EAST, Google, Inventor Search, US PGPUB, USPAT, FPRS, JPO, DERWENT.	10/7/2015	Sn

INTERFERENCE SEARCH

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

☐ 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	10/07/2015				
	1	✓	✓	✓	✓				
	2	✓	-	-	-				
	3	✓	✓	✓	✓				
	4	✓	✓	✓	✓				
	5	✓	✓	-	-				
	6	✓	-	-	-				
	7	✓	✓	-	-				
	8	✓	✓	-	-				
	9	✓	✓	✓	✓				
	10	✓	✓	✓	✓				
	11	✓	-	-	-				
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	13	✓	✓	✓	✓				
	14	✓	-	-	-				
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	18	✓	-	-	-				
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	29	✓	✓	-	-				
	30	✓	-	-	-				
	31		✓	-	-				
	32			✓	✓				
	33			✓	✓				
	34			✓	✓				
	35			✓	✓				
	36			✓	✓				

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

✓	**Rejected**	-	**Cancelled**	**N**	**Non-Elected**	**A**	**Appeal**
=	**Allowed**	÷	**Restricted**	**I**	**Interference**	**O**	**Objected**

☐ 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	10/07/2015					
	37			✓	✓					
	38			✓	✓					
	39				✓					
	40				✓					
	41				✓					
	42				✓					
	43				✓					
	44				✓					
	45				✓					
	46				✓					
	47				✓					

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3266398	pair$3	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:39
L2	15082	pair$3 same (bluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:40
L3	60	2 and pull near mode	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:40
L4	18	2 and pull near (notification signal request mode) same push near (mode request signal notification)	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:41
L5	83	2 and pull near (notification signal request mode)	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:45
L6	60	2 and pull near (mode)	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:45
L7	23	5 and (@ad< "20061230" or @rlad< "20061230")	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:46
L8	6897600	(@ad< "20061230" or @rlad< "20061230")	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:53
L9	8789	8 and pull near (notification signal request mode)	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:53
L10	0	8 and pull near (notification signal request mode) same (camera data adj capture) same (UE mobile adj (station terminal))	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:54
L11	26	8 and pull near (notification signal request mode) same (camera data adj capture)	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:54
L12	1	11 and (bluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 12:55
L13	31	8 and pull near (event command notification signal request mode) same (camera data adj capture)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:04
L14	0	8 and pull near (event command notification signal request mode) same (camera data adj capture) same (wireless near (device terminal))	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:04
L15	0	8 and pull near (event command notification signal request mode) same (camera data adj capture) same (wireless near (device terminal station))	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:04
L16	3	13 and (bluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:05
L17	0	13 and (blue-toothbluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:09
L18	3	13 and (blue-tooth bluetooth bt short	US-PGPUB;	OR	OFF	2015/10/07

		near range)	USPAT			13:09
L19	9513	8 and pull near (event command notification signal request mode)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:09
L20	0	19 and (camera data adj capture) same (blue-tooth bluetooth bt short near range) same (mobile near (terminal device station) smartphone cell$phone PDA)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:10
L21	19	19 and (camera data adj capture) same (blue-tooth bluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:11
L22	19	19 and (camera or (data adj capture)) same (blue-tooth bluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:11
L23	31	8 and pull near (event command notification signal request mode) same (camera or (data adj capture))	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:16
L24	16	8 and pull near (event command notification signal request mode) with (camera or (data adj capture))	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:20
L25	0	8 and pull near (event command notification signal request mode) with (camera or (data adj capture)) with (blue-tooth bluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:20
L26	207	8 and pull near (event command notification signal request mode) and (camera or (data adj capture)) and (blue-tooth bluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:21
L27	159	8 and pull near (event command notification signal request mode) and (camera or (data adj capture)) and (blue-tooth bluetooth bt short near range) and (mobile near (terminal device station) smartphone cell$phone PDA)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:21
L28	139	8 and pull near (event command notification signal request mode) and (camera or (data adj capture)) and (blue-tooth bluetooth bt short near range) and (mobile near (terminal device station) smartphone cell$phone PDA) and pair$3	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:21
L29	646	8 and (event pull) near (command notification signal request mode) and (camera or (data adj capture)) and (blue-tooth bluetooth bt short near range) and (mobile near (terminal device station) smartphone cell$phone PDA) and pair$3	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:54
L30	482	8 and (event) near (command notification signal request) and (camera or (data adj capture)) and (blue-tooth bluetooth bt short near range) and (mobile near (terminal device station) smartphone cell$phone PDA) and pair$3	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:54
L31	0	8 and (event) near (command	US-PGPUB;	OR	OFF	2015/10/07

		notification signal request) same (camera or (data adj capture)) same (blue-tooth bluetooth bt short near range) same (mobile near (terminal device station) smartphone cell$phone PDA) and pair$3	USPAT			13:55
L32	6	8 and (event) near (command notification signal request) same (camera or (data adj capture)) same (mobile near (terminal device station) smartphone cell$phone PDA) and pair$3	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:55
L33	18	8 and (event) near (command notification signal request) same (camera or (data adj capture)) same (mobile near (terminal device station) smartphone cell$phone PDA)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:57
L34	11	33 and (blue-tooth bluetooth bt short near range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 13:58
L35	9198	8 and pull near (command notification signal request mode)	US-PGPUB; USPAT	OR	OFF	2015/10/07 14:03
L36	698293	8 and pull near (command notification signal request mode) same between near6 (camera or (data adj capture)) (mobile near (terminal device station) smartphone cell$phone PDA)	US-PGPUB; USPAT	OR	OFF	2015/10/07 14:04
L37	0	8 and pull near (command notification signal request mode) same between near6 (camera or (data adj capture)) same (mobile near (terminal device station) smartphone cell$phone PDA)	US-PGPUB; USPAT	OR	OFF	2015/10/07 14:04
L38	0	8 and pull near (command notification signal request mode) same between near6 (camera or (data adj capture)) same (bluetooth BT short adj range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 14:05
L39	0	8 and pull near3 (command notification signal request mode) same between near6 (camera or (data adj capture)) same (bluetooth BT short adj range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 14:05
L40	0	8 and pull near3 (command notification signal request mode) same (camera or (data adj capture)) same (bluetooth BT short adj range)	US-PGPUB; USPAT	OR	OFF	2015/10/07 14:05
L41	0	8 and pull near3 (command notification signal request mode) same (camera or (data adj capture)) same (bluetooth BT short adj range)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 14:05
L42	43	8 and (transfer pull) near3 (command notification signal request mode) same (camera or (data adj capture)) same (bluetooth BT short adj range)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2015/10/07 14:06

			IBM_TDB			
L43	4	"20120089538"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 16:51
L44	2	"20060029296"	US-PGPUB; USPAT	OR	OFF	2015/10/07 17:31

EAST Search History (Interference)

<This search history is empty>

10/7/2015 5:35:53 PM
C:\ Users\ snooristany\ Documents\ EAST\ Workspaces\ 12333303.wsp

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	pull near3 (request mode) same host same slave	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2015/10/09 16:29
L2	15	pull near3 (request mode) same host same slave	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:30
L3	0	2 and bluetooth	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:30
L4	0	2 and blue-tooth	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:30
L5	0	2 and short-range	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:30
L6	168	pull near3 (request mode) same (master host) same (client slave peer)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:30
L7	0	pull near3 (request mode) same (master host) same (client slave peer) same (bluetooth short-range blue-tooth BT)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:31
L8	64	6 and (bluetooth short-range blue-tooth BT)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:31
L9	288262	(master host) same (client slave peer)	US-PGPUB; USPAT;	OR	ON	2015/10/09 16:34

			FPRS; EPO; JPO; DERWENT; IBM_TDB			
L10	1923	9 and pull near3 (request mode)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:34
L11	665	10 and (bluetooth short-range blue- tooth BT)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:34
L12	458	11 and (capture near device or camera)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:35
L13	889611	12 and cellphone PDA mobile near station	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:35
L14	308	12 and (cellphone PDA mobile near station)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:36
L15	161	14 and upload$3	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:36
L16	135	14 and upload$3 same web	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:36
L17	299	14 and web	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:43
L18	36	12 and (cellphone PDA mobile near station) same pull near6 request$3	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:44
L19	2259707	(host cellphone PDA mobile near station) (trigger$3 request$3 pull)	US-PGPUB; USPAT;	OR	ON	2015/10/09 16:45

		near6 transfer$4 near request	FPRS; EPO; JPO; DERWENT; IBM_TDB			
L20	5881	(host cellphone PDA mobile near station) near6 (trigger$3 request$3 pull) near6 transfer$4 near request	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:45
L21	363	(host cellphone PDA mobile near station) near6 (trigger$3 request$3 pull) near6 transfer$4 near request same (slave client data adj capture camera)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:46
L22	0	(host cellphone PDA mobile near station) near6 (trigger$3 request$3 pull) near6 transfer$4 near request same (slave client data adj capture camera) same (bluetooth short-range blue-tooth BT)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:47
L23	2	(master host cellphone PDA mobile near station) near6 (trigger$3 request$3 pull) near6 transfer$4 near request same (slave client data adj capture camera) same (bluetooth short-range blue-tooth BT)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:47
L24	49	21 and (bluetooth short-range blue-tooth BT)	US-PGPUB; USPAT; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/09 16:48

EAST Search History (Interference)

<This search history is empty>

10/9/2015 4:53:40 PM
C:\Users\snooristany\Documents\EAST\Workspaces\12333303.wsp

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 after final office action

Examiner Nooristany:

In response to the final office action mailed October 14, 2015, please amend the above-referenced application as follows:

There are no amendments to the claims.

Remarks begin on page 2 of this response.

Attachments:

1. Transmittal form, PTO/SB/21; and
2. Certification and request for consideration under the after final consideration pilot program 2.0, Form PTO/SB/434.

1

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 the 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 § 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 Shiotsu US 20010051530 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, 40-47 are rejected for similar reason as stated above.

Amendments to the claims

There are no amendments to the claims. All the claims remain as submitted with the response to office action on 01 October 2015.

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.

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 **upon itself**</u>.

The office action 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 Shiotsu US 20010051530 further in view of Pryor US 20050273592.**"

In response to the above rejection, applicant submits that Kennedy, in view of King, in view of Shiotsu, further in view of Pryor does not teach or suggest the following limitations of claim 1 that are summarized in the table below:

Summary of arguments:

|	Claim 1 : Limitation	Kennedy	King	Pryor	Shiotsu
1	establish a _paired_ short-range connection	NO _Pairing is NOT established._	Yes	NO	NO
2	_Cryptographically_ authenticate the identity of _cellular phone_	NO	NO _Biomertic_ ≢ _Cryptographically_	NO	NO
3	wherein the new-media is acquired "after" establishing the short-range paired wireless connection between the digital camera device and the cellular phone	_NO_	NO	NO	_NO_ media is captured "_before_" establishing the Bluetooth connection
4	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 _Cellular phone_ ≢ _Personal Computer_
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

Shiotsu Arguments

Argument 1: 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 (a) after the short-range paired wireless connection is established between the digital camera device and the cellular phone AND (b) before receiving the data transfer request. (Applicant) vs *Lack of it (Shiotsu)*

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 device (a) **after** the short-range paired wireless connection is established between the digital camera device and the cellular phone **AND** (b) **before** receiving the data transfer request from the cellular phone. The **cellular phone initiates the data transfer process by sending a data transfer request to the digital camera device** (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 office action on page 7 states as follows: "**Shiotsu** further teaches wherein 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 (**The signal processing unit 11 of the personal computer 10, upon receipt of the connection permission, transmits data transmission request to the signal processing unit 41 of the digital camera 40 through the communication units 12 and 42 ...[0091-0092, 0094] fig. 8-9A**) in order to transfer data to and from a peripheral device having a similar wireless communication unit, e.g. a digital camera (DC) 5, a facsimile machine (FAX) or a printer (PR) 6, via wireless modules or cards based on the Bluetooth Standard ([0037])"
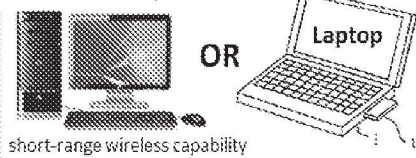
5

Shiotsu State Machine

Digital Camera *Step 0*

Acquire Pictures **before establishing the** Bluetooth Connection
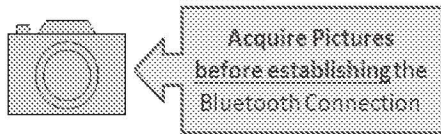
short-range wireless capability

Personal Computer

Step 1

OR **Laptop**

data link **connection request** for connection

short-range wireless capability

send a **connection permission** *signal*

Established Bluetooth connection

transmits data transmission **request**

Step 2

[0094] "**upon receipt** of the connection permission, **transmits data** transmission **request** to the signal processing unit 41 of the digital camera"

This mean that there are NO Pictures being acquired AFTER the connection permission.

Hence in **Shiotus**. **There is NO New-Data** as is the case with Applicant State machine.

sending pictures to the personal computer

Point 1

PC / Laptop ___ is NOT the same as ___ Cellular Phone

PC OR **Laptop**

Point 2

Shiotsu : Request is **NOT for New-Data** , Because Pictures were **acquired BEFORE** establishing the connection in *Step 0*.

Our : YES, **Request is for New-Data**, i.e Pictures are **acquired AFTER** establishing the paired connection.

Point 3

Shiotsu : **Timing** of Acquiring pictures is **BEFORE establishing** the connection

Our : Timing of **Acquiring** pictures is **AFTER establishing** the connection

Point 4

Shiotsu : Request for data **is NOT over the Paired connection**

Our : Request for data **IS** over the Paired connection

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As shown below <u>ALL Shiotsu device connection setups</u> are between

PC ⟷ PDA   or   PC ⟷ DC (Digital Camera)

NONE of them are between

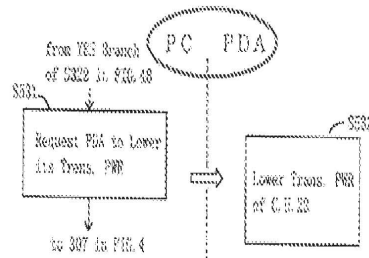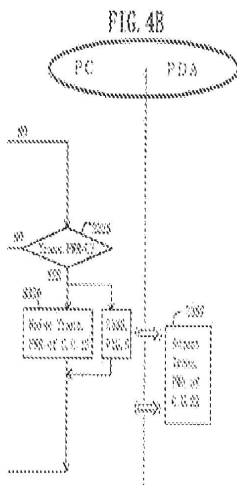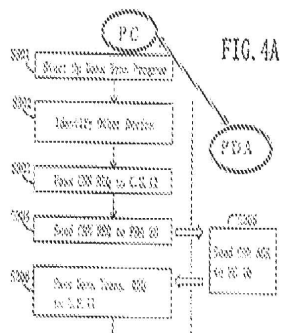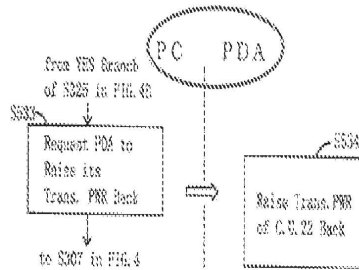PDA ⟷ DC (Digital Camera)   or   Cellular Phone ⟷ DC (Digital Camera)

FIG. 4A

FIG. 4B

FIG. 5

FIG. 6A
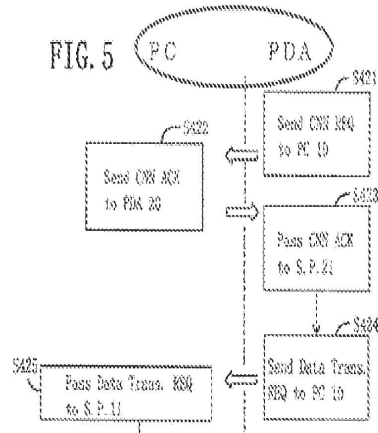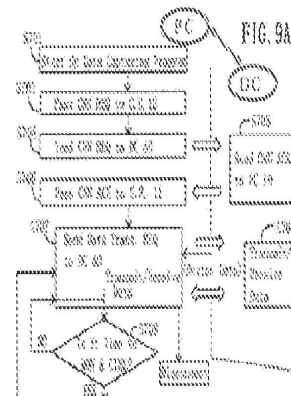
FIG. 6B

FIG. 9A

Therefore :: Shiotsu does NOT teach the limitation

"Receiving a data transfer request <u>initiated by a mobile</u> software application on the <u>cellular phone</u>"

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In response, applicant submits that Shiotsu **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 (a) **after** the short-range paired wireless connection is established between the digital camera device and the cellular phone **AND** (b) **before** receiving the data transfer request from the cellular phone".

Our State Machine
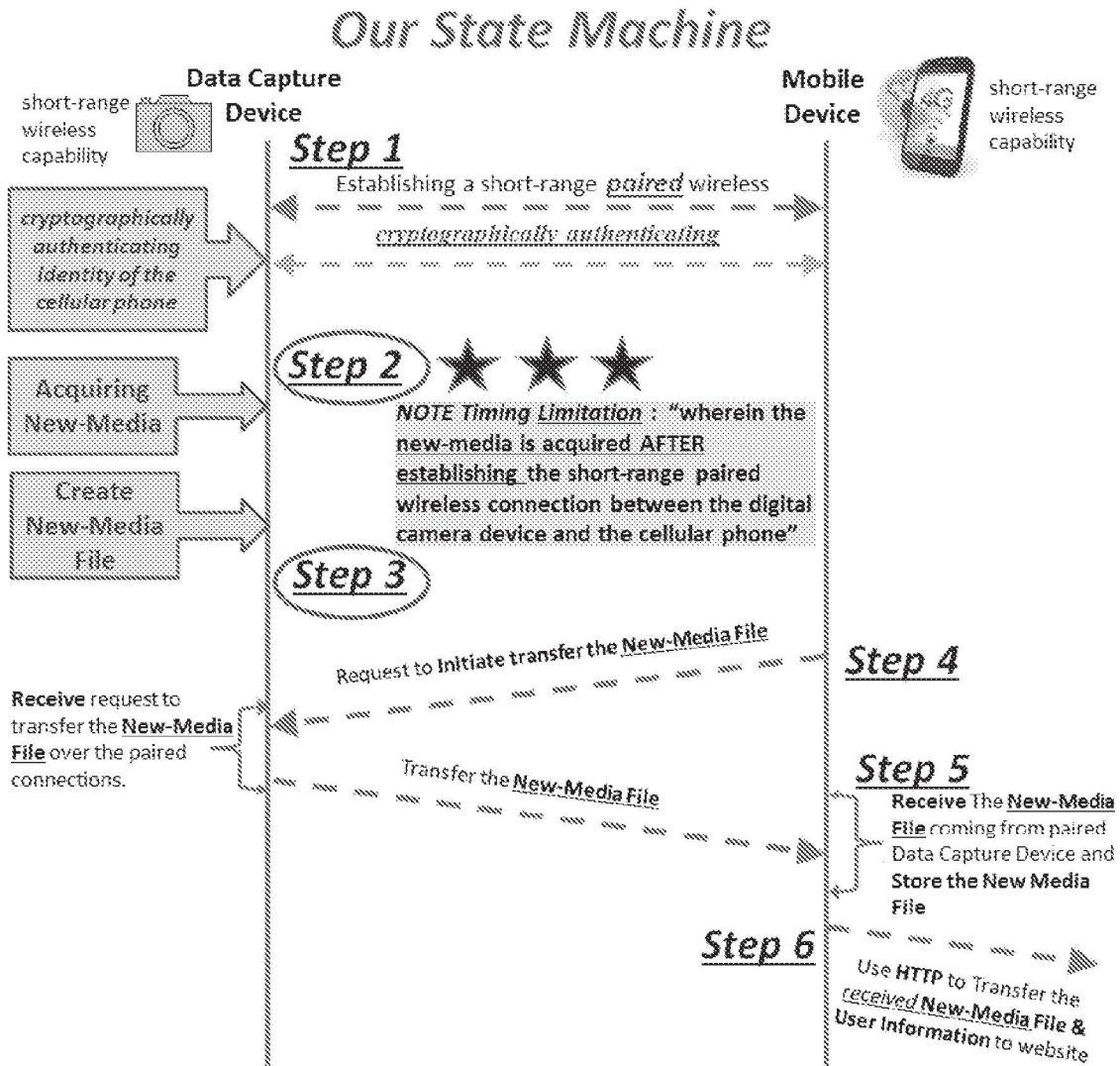
Paragraph [0091] of Shiotsu discloses: "The personal computer 10 executes a step for starting communications with the digital camera 40 for thereby taking in digital picture data from the digital camera 40. In Step 701, the signal processing unit 11 of the personal computer 10 starts up a program for transferring digital picture data in the digital camera 40 to the personal computer 10. In Step 703, the unit 11 sends to the communication unit 12 a data link connection request for connection to the digital camera 40. In Step 704, in response to the connection request of the signal processing unit 11, the communication unit 12 sends a connection request signal to the communication unit 42 of the digital camera 40." This paragraph discloses that the **personal computer is initiating** steps to establish a short-range wireless connection with the digital camera, in order to receive the **images that have already been acquired by the digital camera**.

Paragraph [0092] of Shiotsu discloses: "upon receipt of the connection request signal, the communication unit 42 of the digital camera40 makes connection request to the signal processing unit 41, which, in response to the connection request, send a connection permission signal through the communication unit 42 to the communication unit 12 of the personal computer 10. Thus, connection between the two communication units 12 and 42 has been established." This paragraph discloses that the personal computer has successfully established a short-range wireless connection with the digital camera, in order to **receive the images that have already been acquired by the digital camera**.

Paragraph [0094] of Shiotsu discloses: "In Steps 707 and 708, data transfer is performed between the personal computer 10 and the digital camera 40. The signal processing unit 11 of the personal computer 10, <u>upon receipt of the connection permission</u>, transmits data transmission request to the signal processing unit 41 of the digital camera 40 through the communication units 12 and 42. In Step 708, the signal processing <u>unit 41 starts sending picture data to the personal computer10</u> via the communication unit 42." This paragraph discloses that the digital camera sends picture data to the personal computer upon receipt of the data transfer request.

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From the above three paragraphs, it is clear that in the case of Shiotsu:
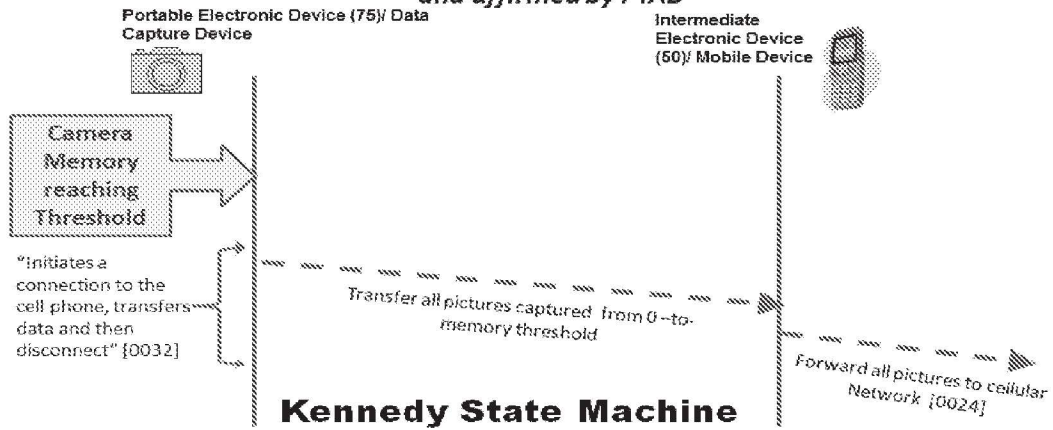
(a) The short-range wireless connection established is **NOT** a short-range **paired** wireless connection.

(b) The digital camera is not acquiring images "**after**" **the short-range paired wireless connection is established**. Therefore the data acquired is **not "new-media"** (see Shiotsu paragraph [0064] which states as follows: "When the PDA 20 has data to be transmitted to the personal computer10, the signal processing unit 21 of the PDA 20, in response to a request of the signal processing unit 11 or 21, can transmit the data to the signal processing unit 11 of the personal computer via the communication units 22 and 12." Therefore, the data transferred from the PDA (same is the case with the digital camera) to the personal computer is **"old-data"** (data acquired before receiving the data transfer request).

(c) The data transfer request is **not for "new-media"** that was acquired (i) **after** the short-range **paired** wireless connection is established between the digital camera and the personal computer **AND (ii) before** receiving the data transfer request from the personal computer.

(d) The **device that is sending the data transfer request is not a cellular phone**. It is a personal computer.

(e) The **digital camera is not cryptographically authenticating the personal computer** which is an important part of establishing the short-range paired wireless connection.

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(f) The **data transfer request is not sent over the short-range <u>paired</u> wireless connection**.

<u>The State Machine images clearly show the differences between applicant's claim 1 VS Shiotsu teachings.</u>

<u>Kennedy Arguments</u>

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

short-range
wireless
capability

**Data Capture
Device**

**Mobile
Device**

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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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 pages 4-5 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 and submits that 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: **Acquiring new-media by the digital camera device after 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)**

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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 5 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 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 then disconnects</u>. Manual mode <u>allows the user to decide</u> when to perform the upload by activating a control on the portable electronic device."

In Kennedy, the Bluetooth connection between the camera and the cellular phone is a non-paired Bluetooth connection. 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]). 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 Bluetooth 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 Bluetooth connection between the cellular phone and the camera is established and then send the pictures when "the

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wireless connection allows". Therefore, in Kennedy, there is no pre-check to ascertain that the paired Bluetooth connection to the cellular phone is available.

Paragraph [0032] of Kennedy 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 even in the automatic mode, the camera acquires 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] of Kennedy 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." From Kennedy's paragraph [0033] it is obvious that the user continues to acquire images until he notices that the memory capacity of the device is very low. The user then initiates a connection to the cellular phone and transfers the images to the server through the cellular phone.

Paragraph [0034] of Kennedy 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." From Kennedy's paragraph [0034] 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.

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

<u>Argument 3:</u> 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 (a) after the short-range paired wireless connection is established between the digital camera device and the cellular phone AND (b) before receiving the data transfer request. (Applicant) vs lack of it (Kennedy)

Claim 1 discloses that the digital camera device receives the data transfer request from the cellular phone for transferring the **<u>new-media file</u>** created in the digital camera device (a) <u>after the short-range paired wireless connection is established between the digital camera device and the cellular phone</u> **AND** (b) <u>before receiving the data transfer request from the cellular phone</u>. The **cellular phone initiates the data transfer process by sending a data transfer request to the digital camera device** (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 office action on page 5 states paragraph [0010] of 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] 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).
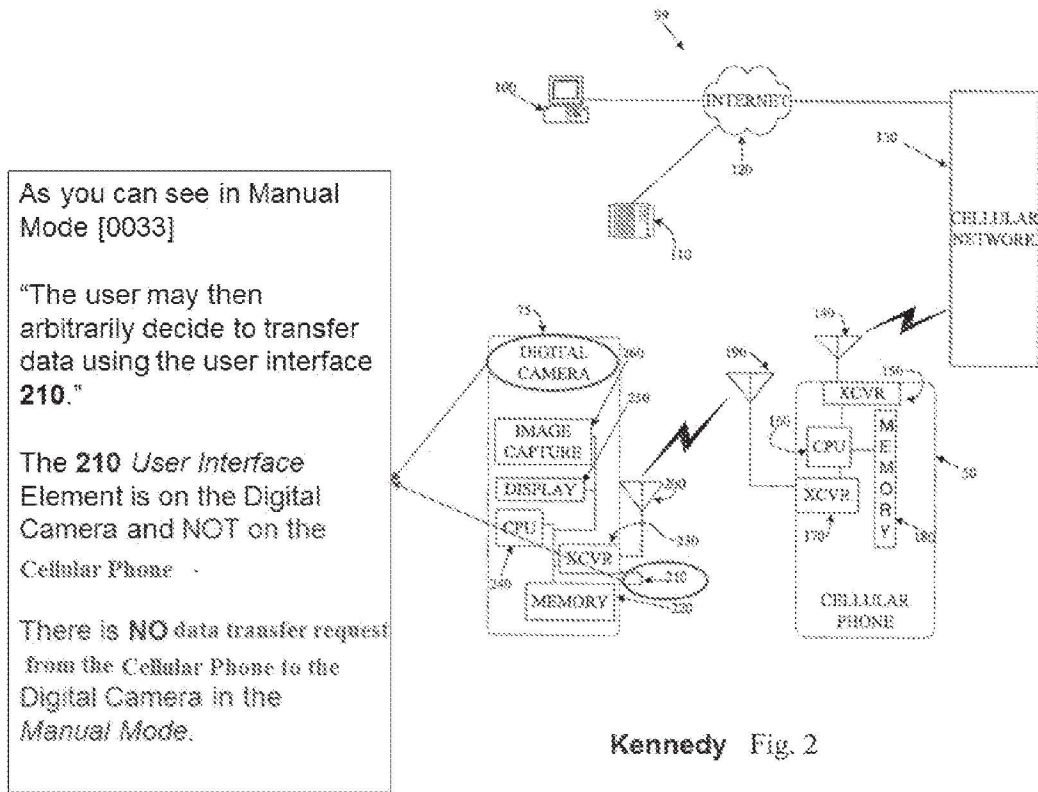
Kennedy Fig. 2

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." Therefore, 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.

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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, <u>it is either the camera user or the camera and **NOT** the **Cellular Phone**</u> 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** <u>**data transfer request**</u> received by the camera from the cellular phone in any of the four data transfer modes of Kennedy that <u>initiates the transfer</u> of **<u>captured images that were captured (a) after the short-range paired wireless connection is established between the digital camera device and the cellular phone AND (b) before receiving the data transfer request</u>**.

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

<u>**Argument 4:**</u> **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).**

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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 ("**new-media**") by the camera, **after** establishing the short-range paired wireless connection,

(c) Camera receiving the data transfer request from the cellular phone that requests for "**new-media**" (not old-data or images that were acquired by the camera before a short-range wireless connection is established), and **ONLY THEN**

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(d) Transfer the **"new-media"** (new images) from the camera to the cellular phone <u>over the established short-range</u> **paired** <u>wireless connection</u> (**where the images were captured after** the short-range **paired** wireless connection is established between the camera and the cellular phone **AND before** receiving the data transfer request from the cellular phone)**.**

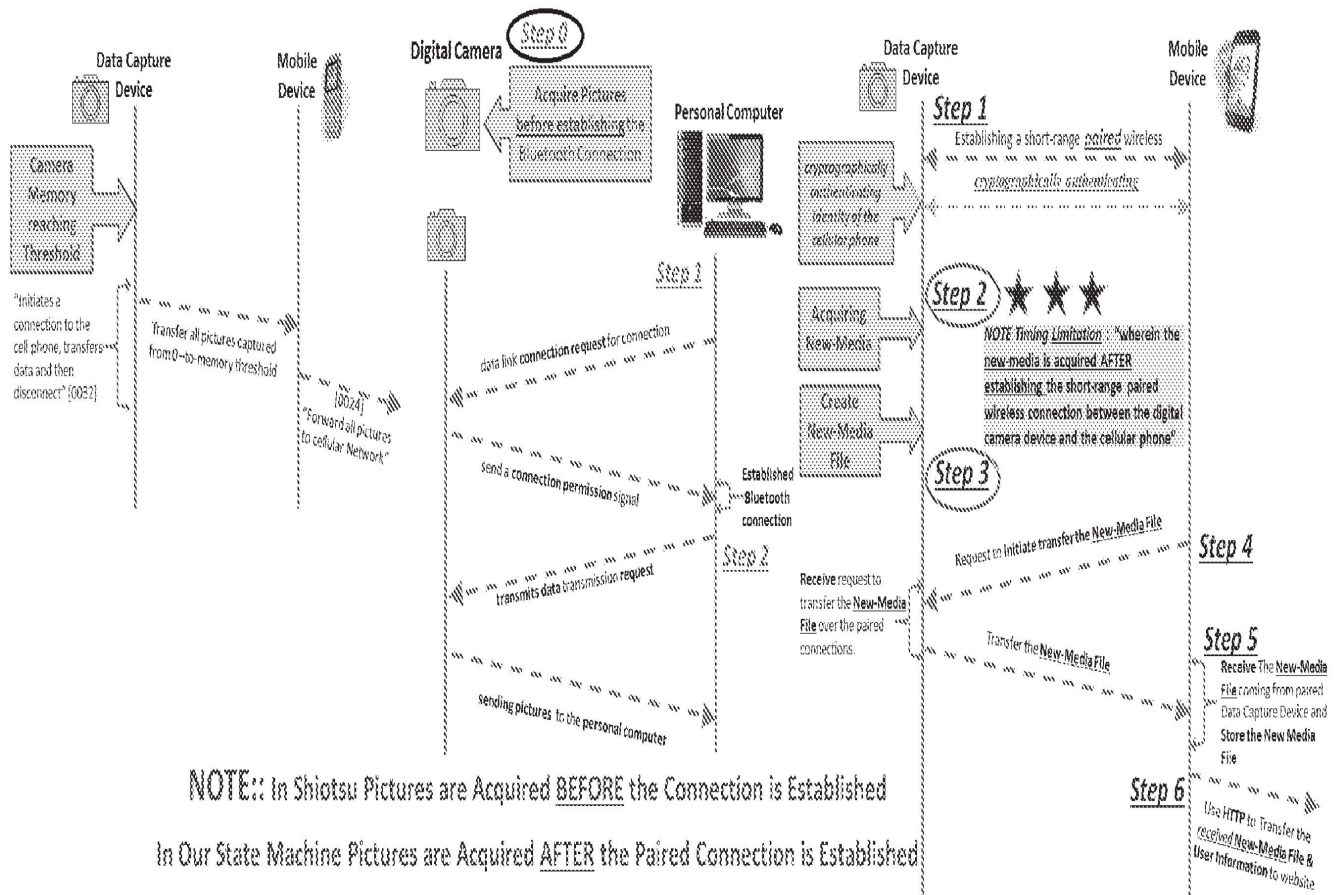**As illustrated in the image below, combination of Kennedy and Shiotsu <u>does not result in</u> Applicant's Claim 1**

Kennedy State Machine ✛ *Shiotsu State Machine* ✛ *Our State Machine*

Data Capture Device — 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

[0024] "Forward all pictures to cellular Network"

Digital Camera — *Step 0*

Acquire Pictures before establishing the Bluetooth Connection

Personal Computer

Step 1

data link connection request for connection

send a connection permission signal

Step 2

transmits data transmission request

sending pictures to the personal computer

Established Bluetooth connection

Data Capture Device — Mobile Device

Step 1
Establishing a short-range *paired* wireless *cryptographically authenticating*

cryptographically authenticating identity of the cellular phone

Step 2 ★ ★ ★

NOTE Timing Limitation : "wherein the new-media is acquired AFTER establishing the short-range paired wireless connection between the digital camera device and the cellular phone".

Acquiring New-Media

Create New-Media File

Step 3

Request to initiate transfer the New-Media File

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

Step 4

Transfer the **New-Media File**

Step 5
Receive The **New-Media File** coming from paired Data Capture Device and **Store the New Media File**

Step 6
Use HTTP to Transfer the received **New-Media File** & **User Information** to website

NOTE:: In Shiotsu Pictures are Acquired BEFORE the Connection is Established

In Our State Machine Pictures are Acquired AFTER the Paired Connection is Established

There is NO New-Data in Shiotsu, as taught and claimed by the Applicant.
Hence there is : NO request to transfer New-Data in Shiotsu.

Therefore ::: Shiotsu does NOT teach the limitation

"wherein the data transfer request is for the new-media file"

Because New-media file is defined in the claim as

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

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King Arguments

Argument 1: Digital camera device cryptographically authenticating the cellular phone (Applicant) vs NO cryptographic authentication (Kennedy)

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 6 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™ 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 <u>cryptographically</u> 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**."

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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:

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 **"biometric identification"**.

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

Biometric identification ≠ *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.

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

Pryor Arguments

Argument 1: 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 HTTP (Applicant) vs NO received new-media, NO cellular phone, NO user information, NO user media publishing website and NO upload from the cellular phone to the user media publishing website using HTTP (Pryor)

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

The office action on page 7 states as follows: "Pryor further teaches a system including the wherein the cellular phone is configured to use 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 **Pryor does NOT teach** (a) **receiving the new-media file** by the cellular phone from the digital camera device over the short-range **paired** wireless connection, and (b) uploading the **received new-media file** from the **cellular phone to the user media publishing website** using HTTP along with the **user information**. 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 **received from the digital camera device** is transferred <u>from the</u> **cellular phone** to the **user media publishing website**.

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In contrast, in Pryor, the file that is transferred from **one computer to another computer** is a **native file**. It is **NOT** a file received by the cellular phone from the digital camera device.

Further, applicant discloses uploading the **"new-media"** file along with the **"user information"** from the **cellular phone to the user media publishing website**. The "user information" sent along with the **"new-media"** file is used for publishing the received new-media file to a private blog of a user. 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 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". 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 published and immediately made available on **Jane's private blog**." 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.

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**.

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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.

Table below summarizes the differences between Pryor and Applicant with reference to claim 1:

Claim 1: Feature	Pryor	Applicant
1 Apply HTTP to upload new-media acquired by a data capture device after establishing a short-range paired wireless connection with the cellular phone	NO	YES
2 Apply HTTP to wirelessly received new-media originating from a different device	NO	YES
3 Apply HTTP to upload user information from cellular phone to user media publishing website	NO "symmetric ciphering" ≠ "user information" for the user media publishing website.	YES

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Combination of Kennedy-King-Shiotsu-Pryor

Applicant submits that Kennedy, in view of King, in view of Shiotsu, further in view of Pryor does not teach all the limitations of claim 1.

As illustrated earlier in this response, Kennedy does not teach or suggest that a short-range **paired** wireless connection is established between the digital camera device and the cellular phone, and **ONLY THEN** the digital camera device acquires new-media. It has also been illustrated earlier in this response that King does not teach or suggest that the **digital camera device cryptographically authenticates the identity of the cellular phone**.

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Shiotsu, further in view of Pryor 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 establishing the short-range paired wireless connection comprises, the **digital camera device cryptographically authenticating identity of the cellular phone;**"

"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;"

Further, in the earlier part of this response, it has been illustrated that neither Kennedy nor Shiotsu teach or suggest that the digital camera device receives the data transfer request from the cellular phone for transferring the **new-media file** that was created in the digital camera device (a) **after** the short-range paired wireless connection is

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established between the digital camera device and the cellular phone **AND** (b) <u>**before**</u> <u>receiving the data transfer request from the cellular phone</u>.

Applicant therefore respectfully submits that Kennedy, in view of King, in view of Shiotsu, 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;"

Further, in the earlier part of this response, it has been illustrated that Kennedy does not disclose transfer of the **new-media** to the cellular phone, over the established short-range **paired** wireless connection.

Further, in the earlier part of this response, it has been illustrated that neither Kennedy nor Pryor teach or suggest uploading 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 HTTP.

Therefore, Kennedy in view of King in view of Shiotsu 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, 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**

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