

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----: Atty.#: BBITV-CIP1-D1
In Re U.S. Patent Application Of

MILTON DIAZ PEREZ

Serial No.: 12/632,745

Filing Date: 12/07/2009

Title: METHOD OF ADDRESSING ON-DEMAND TV
PROGRAM CONTENT ON TV SERVICES PLATFORM
OF A DIGITAL TV SERVICES PROVIDER
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:
: Examiner: Alam, Mushfikh I.
: Group No: 2426
:

AMENDMENT

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
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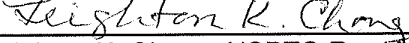
Sir:

In response to the Office Action dated December 18, 2013, please enter the within Amendment of Claims for the above-identified Application taken in consideration of the following Remarks.

Request for Extension of Time

Applicant hereby requests a three-month extension of time for response to the Examiner's Office Action, i.e., until June 18, 2014. Authorization is given to charge the 3-month extension fee of \$700 (small entity) to the undersigned attorney's credit card account.

Respectfully submitted,
ATTORNEY FOR APPLICANT



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REMARKS

The Claims Define Patentable Subject Matter

Claims 23-30 and 33-42 are pending. By this Amendment, claims 33 and 36 are amended. Claim 33 remains in independent form.

The Office Action rejects claims 23-28, 30, and 33-42 under pre-AIA 35 U.S.C. § 103(a) as unpatentable over US 2002/0104099 ("Novak") in view of U.S. Patent No. 7,367,043 ("Dudkiewicz et al.").

Applicant notes that in claim 33 the step of "receiving, at the VOD services platform, the stored video-on-demand program content associated with the selected title" has been modified from "retrieving, at the VOD services platform . . ." to clarify that the stored video-on-demand program content can be either transmitted to the VOD services platform or fetched by the VOD services platform.

Claim 33 has been further amended to require, *inter alia*, that the updated electronic program guide is "accessible by subscribers of the VOD services platform **both** via electronic devices connected to the VOD services platform through a TV services platform **and via electronic devices connected through the Internet**" (emphasis added). The amended claims thus require dual access of the electronic program guide, either through a TV platform connected to the VOD services platform or through an Internet-connected digital device, which can connect to the VOD services platform. Support for these amendments is found at least on page 27, lines 23-28, which incorporates by reference U.S. Patent Application Ser. No. 11/685,188, issued as U.S. Patent No. 7,631,336 (the "336 Patent"), which states as follows:

The extension of TV VOD programming to citizen publishing, and the convergence of Internet searching with sharing of TV program bookmarks, can also stimulate diverse new content publishing sources and supporting hardware and equipment in the converged Internet-TV universe. **For example, TV EPGs can be exported to via Internet to Internet-connected digital devices, including digital phones, media players, game consoles [sic], Video iPods™, PDAs, etc.,** and conversely, TV bookmarks selected from EPGs on the Internet can be imported back into the viewer's "MyEPG" or "MyVideoLibrary" for

their TV through the Web-based Content Management System. This would enable people to freely select, save, bookmark, and share TV programs with friends and contacts between their TV viewing environment and their daily mobile or away-from-home environments. Internet-connected DVRs, such as those sold by TiVo, or virtual DVRs offered by the digital TV service provider can also connect Internet searching and bookmark sharing to the viewer's "MyEPG" or "MyVideoLibrary" for VOD program viewing.

U.S. Patent No. 7,631,336, Col. 20, ln. 22-40 (emphasis added).

In light of the amendment to require dual access of the electronic program guide, Applicant respectfully submits that the rejections in the Office Action are moot. Neither of the cited references teach dual access of an electronic program guide with the same hierarchical structure. Nevertheless, Applicant discusses the cited references in turn.

The Office Action relies on Novak as teaching receiving, at a video-on-demand (VOD) services platform, digital video-on-demand program content and hierarchical metadata associated with the received program content. For hierarchical metadata, the Examiner cites Novak's description of media information. However, Novak fails to teach any form of hierarchical metadata or category and subcategory information. The Office Action then relies on Dudkiewicz as teaching a hierarchical structure for identifying a location in an electronic program guide where the video-on-demand program will be located. Dudkiewicz teaches automatically determining hierarchy information, which can be used by a client device (which is a user device and not a VOD services platform) to determine automatically whether a program may be of interest to the viewer. The invention entails receiving **at a VOD services platform both a video and hierarchical metadata**, where the metadata includes category and subcategory information that **identifies a location for the video in an electronic program guide**. Accordingly, the invention allows a content provider to make available a video and specify the metadata structure in which the video will be displayed in an electronic program guide. Neither Novak nor Dudkiewicz teach receipt, at a VOD services platform, of video-on-demand program content and hierarchical metadata for specifying the location of the video-on-demand program content in an electronic program guide.

Similarly, the Office Action's reliance on Dudkiewicz to teach "allowing the subscribers to navigate and select hierarchically-arranged titles of video-on-demand program content listed by

category and subcategory terms from the updated electronic program guide” is incorrect. The cited portions of Dudkiewicz, namely, Col. 11-12, lines 44-12, only describe the automatic generation of metadata. Other portions of Dudkiewicz only describe the use of the automatically generated metadata for automatically determining whether a user would like a particular program, not for identifying the location of the program in an electronic program guide.

Meanwhile, Novak only describes an interface for arranging a lineup of media programs for viewing, which lineup includes time slots for each program. ***There is no need in the system of Novak for a hierarchy of media program content since the program lineup is already fixed to form a synthetic channel that can be delivered to users. Thus, there would be no motivation to modify Novak in that manner.*** The user does not browse and select media programs from such a synthetic channel but rather can view the programs in their designated time slots. Accordingly, use of a hierarchical ordering of program content from which to navigate and select programs would be unnecessary and out of place in the synthetic channel system described by Novak. Despite this reality and without a rationale to support a combination of Novak and Dudkiewicz, the Office Action makes the conclusory statement that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a metadata hierarchy as taught by Dudkiewicz to the system of Novak to provide classification of programming data” (Office Action at 4). This rejection is improper.

For at least these reasons, Applicant respectfully submits that the claims are allowable over the cited references.

Status of Related Applications

For purposes of full and complete information disclosure to the USPTO, Applicant identifies below the U.S. patent applications forming a related group of patent filings with the present Application:

SERIAL NO.	ATTORNEY DOCKET NO.	FILING DATE	STATUS
10/909,192	P1	2004-07-20	Issued as U.S. Patent No. 7,590,997
11/952,552	P1-D1	2007-12-07	Issued as U.S. Patent No. 7,774,819
12/852,663	P1-D2	2010-08-09	Pending – Amendment filed 2014-06-11
13/830,872	P1-D3	2013-03-14	Pending – Preliminary Amendment filed 2013-06-07, not yet docketed
11/685,188	CIP1	2007-03-12	Issued as U.S. Patent No. 7,631,336

12/869,466	CIP1-D2	2010-08-26	Pending - Amendment filed 2014-05-20
13/830,961	CIP1-D3	2013-03-14	Pending - Final rejection 2014-02-03
11/768,895	CIP2	2007-06-26	Pending - Non-final rejection 2014-04-21
12/869,493	CIP2-D1	2010-08-26	Pending - Amendment filed 2014-02-22
12/869,534	CIP2-D2	2010-08-26	Pending - Amendment filed 2014-04-14
13/831,042	CIP2-D3	2013-03-14	Pending - Preliminary Amendment filed 2014-04-21

The Examiner is invited to review the prosecution history of each of these applications to see the prior art of record and related office actions as he deems appropriate.

* * * * *

Clarification of the invention subject matter in the amended Claims over prior art is submitted for purposes of advancing prosecution, and is not deemed to be a surrender of any previously recited or equivalent invention subject matter. Any claim amendment(s), claim(s) added, claim(s) canceled, argument(s), remark(s), and/or any combination(s) thereof made in this response pertain solely to the specific aspects of this specific claimed invention. Further, any claim amendment(s), claim(s) added, claim(s) canceled, argument(s), remark(s), and/or any combination(s) thereof are made without prejudice to or disclaimer of Applicant's right to seek patent protection of any unclaimed subject matter such as, but not limited, to narrower unclaimed subject matter, broader unclaimed subject matter, different unclaimed subject matter, variations of unclaimed subject matter, any combination thereof, and/or any other unclaimed subject matter that may or may not be filed, for example, in any design and/or utility patent application(s) such as, but not limited to, continuation patent application(s), continuation-in-part patent application(s), and/or divisional patent application(s) and/or any other patent application(s).

Applicant's silence as to any assertion(s) by the Examiner in the Office Action and/or to any certain fact(s) or conclusion(s) that may be implied and/or alleged by objections(s) and/or rejection(s) in the Office Action is not in any way a concession by Applicant that such assertion(s), implication(s), and/or allegation(s) are accurate, and that all requirements for any objection(s) and/or a rejection(s) have been met. Accordingly, Applicant reserves the right to analyze and dispute any such assertion(s), implication(s), and/or allegation(s) in the future.

In view of the above amendments and remarks, prompt and favorable reconsideration of this Application is respectfully requested. If, however, the Examiner believes that there are any

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