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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------------|
| 95/001,926 | 03/02/2012 | 7161506 . | 20132.0005.RX506 | 5983 |
| 26111 7590 04/25/2012 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER LEUNG, CHRISTINA Y | |
| | | | ART UNIT 3992 | PAPER NUMBER |
| | | | MAIL DATE 04/25/2012 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Date:

APR 25 2012
CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001926
PATENT NO. : 7161506
TECHNOLOGY CENTER : 3999
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

| | | |
|--|--------------------|----------------------------|
| OFFICE ACTION IN INTER PARTES REEXAMINATION | Control No. | Patent Under Reexamination |
| | 95/001,926 | 7161506 |
| | Examiner | Art Unit |
| | Christina Y. Leung | 3992 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on 02 March, 2012

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☒ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

- 1a. ☒ Claims 91,97 and 99 are subject to reexamination.
- 1b. ☒ Claims 1-90,92-96 and 98 are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims]
4. ☐ Claims _____ are patentable. [Amended or new claims]
5. ☒ Claims 91,97 and 99 are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
☐ been received. ☐ not been received. ☐ been filed in Application/Control No 95001926.
10. ☐ Other _____

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DETAILED ACTION

Reexamination

1. Claims 91, 97, and 99 of Fallon (US 7,161,506 B2) are being reexamined. Claims 1-90, 92-96, and 98 are not being reexamined.

References and Documents Cited in this Action

Fallon (US 7,161,506 B2)

Sebastian (US 6,253,264 B1)

Kawashima (US 5,805,932 A)

3PR Request (request for reexamination filed 02 March 2012)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 91, 97, and 99** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sebastian** in view of **Kawashima**.

These rejections are adopted substantially as proposed by 3PR in 3PR Request.

Regarding **claims 91, 97, and 99**, Sebastian discloses a method comprising:

receiving a data block, wherein the data block is included in a data stream (column 1, lines 19-23);

outputting the data block in a compressed form (column 3, lines 31-36; column 5, lines 14-18);

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wherein outputting the data block in the compressed form comprises determining whether to compress the data block with content dependent data compression based on the type of the data block (column 2, lines 1-42; column 5, lines 14-18; column 6, lines 22-40) or to compress the data block with a single data compression encoder (i.e., Sebastian discloses a generic compression system; column 1, lines 55-60; column 4, lines 9-20).

Further regarding claims 91, 97, and 99, Sebastian does not disclose determining whether to output the data block in received form or in a compressed form; and outputting the data block in received form or the compressed form based on the determination.

However, Kawashima teaches a system that is related to the one described by Sebastian, including data compression, and further teaches determining whether to output the data block in received form (i.e., as “pre-compression data”) or in a compressed form; and outputting the data block in received form or the compressed form based on the determination (column 29, lines 43-67; column 30, lines 1-23).

Regarding claims 91, 97, and 99, it would have been obvious to a person of ordinary skill in the art to output the data block in received form or in compressed form based on a determination as taught by Kawashima in the method disclosed by Sebastian in order to ensure that resources are used for compression only when compression would be effective.

Further regarding **claim 91** in particular, Sebastian discloses compressing the data block to provide the data block in the compressed form in accordance with the determination whether to compress the data block with content dependent data compression or the single data compression encoder, wherein the data block in the compressed form is provided by a lossy compression technique (e.g., when “some data loss may be acceptable” or when some precision

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in floating point values is lost; column 3, lines 39-42; column 18, lines 62-67; column 19, lines 1-10).

Further regarding **claim 97** in particular, Sebastian discloses that the single data compression encoder is lossless (e.g., the default filter may use LZ compression, which is lossless; column 4, lines 9-20) and at least one encoder associated with the content dependent data compression is lossy (e.g., when “some data loss may be acceptable” or when some precision in floating point values is lost; column 3, lines 39-42; column 18, lines 62-67; column 19, lines 1-10).

Further regarding **claim 99** in particular, Sebastian discloses that the single data compression encoder is lossless (e.g., the default filter may use LZ compression, which is lossless; column 4, lines 9-20), at least one encoder associated with the content dependent data compression is lossless, and at least another one encoder associated with the content dependent data compression is lossy (i.e., Sebastian discloses that some of the content dependent compression can be lossless while some of the content dependent compression can be lossy when “some data loss may be acceptable” or when some precision in floating point values is lost; column 3, lines 39-42; column 18, lines 62-67; column 19, lines 1-10).

Conclusion

4. In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be an Action Closing Prosecution (ACP), will be governed by 37 CFR 1.116(b) and (d), which will be strictly enforced.

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5. All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By mail to: Mail Stop *Inter Partes* Reexam
Attn: Central Reexamination Unit
Commissioner of Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By fax to: (571) 273-9900
Central Reexamination Unit

By hand to: Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/Christina Y. Leung/

Primary Examiner, Art Unit 3992

/D.M.H./

Primary Examiner, Art Unit 3992

/Daniel J Ryman/

Supervisory Patent Examiner, Art Unit 3992