

recognition of the need for time compression of audio/video source information or of the transmission of time compressed audio/video source information in a burst time period, let alone of applicant's specifically claimed apparatus and method for doing so. In fact, Izeki et al. teaches away from applicant's claimed invention by focussing on the end result of producing an analog master tape within the apparatus (see column 6, line 60 through column 7, line 3 of Izeki et al.). The element 80 of Izeki et al., cited by the Examiner as being the equivalent of applicant's claimed output means, is nothing more than an interface to a storage device such as a magnetic tape (see column 6, lines 62-63 and column 8, lines 30-31 of Izeki et al., for example.) Neither interface 80 of Izeki et al. nor any other element described in that reference has the capability of applicant's specifically claimed output means to serially transmit a time compressed representation of audio/video source information away from the audio/video transceiver in a burst time period that is shorter than a time period associated with real time viewing of the audio/video source information. Regardless of applicant's acknowledgment is his specification as to the commercial availability of components from which his invention could be fabricated, any attempted combination of these components, as suggested by the Examiner, in the apparatus taught by Izeki et al. would amount to a reconstruction of applicant's invention using hindsight. It is well settled law that in making a determination as to obviousness, the references must be read without the benefit of applicant's teachings. In re Meng, 181 USPQ 94, 97 (CCPA, 1974); In re Clifton, 527 F.2d 1226, 1888 USPQ 365 (CCPA, 1976).

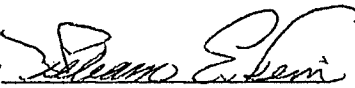
Eggers et al. adds nothing to the teachings of Izeki et al. so as to render applicant's claims obvious. Rather, Eggers et al. is directed to an analog system for use by hotels that permits guests to access video programs, for example, from a central video library, much as audio recordings are selected from a jukebox. A limited number of video playback devices are provided at the central video library. The playback devices are connected to a common cable network that permits a hotel guest to view a selected video

program on his or her display terminal. The emphasis of the Eggers et al. reference is on a mechanical video cartridge handler that serves to mechanically retrieve a selected video cartridge from the central video library for playback on one of the centrally located playback devices. Like Izeki et al., the Eggers et al. reference contains absolutely no showing or suggestion whatsoever of time compression of audio/video source information or of the burst transmission of that time compressed audio/video source information, as specifically taught and claimed by applicant. Thus, it is applicant's position that combining these references as suggested by the Examiner would again amount to a reconstruction of applicant's invention using hindsight. Even assuming arguendo that the references could be combined without the benefit of applicant's teachings, it is submitted that they cannot be combined in an operative fashion since Izeki et al. is directed to a digital system and Eggers et al. is directed to an incompatible analog system. In re Lintner, 458 F.2d 1013, 173 USPQ 560, 562 (CCPA, 1972); In re Regel, 526 F.2d 139, 188 USPQ 136 (CCPA, 1975); In re Jansson, 609 F.2d 996, 20 USPQ 976 (CCPA, 1979). Moreover, any such combination would still fail to yield applicant's specifically claimed invention, again for the reasons set forth in detail hereinabove.

In view of the foregoing amendments and remarks, it is respectfully submitted that applicant's pending claims 27-41, 43-68, 70-113, 115-129, and 131-194 are clearly patentable over the references of record, taken alone or in any combination, and that this application is now in condition for allowance. Favorable action is accordingly solicited.

Respectfully submitted,

Richard A. Lang

By 

William E. Hein  
Patent Attorney #26,465

August 28, 1995  
(970) 667-6741  
Loveland, Colorado


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/976,542 11/16/92 LANG

R 284

 EXAMINER  
NGUYEN, H

26M2/1128

ART UNIT PAPER NUMBER

20

 WILLIAM E. HEIN  
ATTORNEY AT LAW  
P.O. BOX 335  
LOVELAND, COLORADO 80539

2615

DATE MAILED: 11/28/95

 This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on Aug 28, 95 ☒ This action is made final.

 A shortened statutory period for response to this action is set to expire 03 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

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

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-848. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.  | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 27-41, 43-68, 70-113, 115-129 and 131-194 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☒ Claims 1-26, 42, 69, 114 and 130 have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 27-41, 43-68, 70-113, 115-129 and 131-194 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-848).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be 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.
14. ☐ Other

EXAMINER'S ACTION

APBU-00000554

Serial Number: 976,542

-2-

Art Unit: 2615

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

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.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 27-41, 43-68, 70-113, 115-129 and 131-194 are rejected under 35 U.S.C. § 103 as being unpatentable over Izeki et al in view of the admitted prior art in the specification at pages 7-8 and Eggers et al for the same reason as set forth in the previous office action, paper No 16.
3. Claim 101 is rejected under 35 U.S.C. § 103 as being unpatentable over Izeki et al in view of the admitted prior art in the specification and Eggers et al as applied to claim 98 above, and further in view of Muramoto et al for the same reason as set forth in the previous office action, paper No 16.

Serial Number: 976,542

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Art Unit: 2615

*Response to Amendment*

4. Applicant's arguments filed Aug 28, 1995 have been fully considered but they are not deemed to be persuasive.

In Remarks at pages 6-7, applicant argues that Izeke et al fails to teach that the video/audio source information are a time compressed representation having an associated burst time period that is shorter than the time required to effect real time viewing of the video/audio source information. The examiner admits that Izeke et al fails to specifically teach that the video/audio information are time-compressed. However, it is noted that the technique and concept and even the device for compressing the information at high compression ratio for purpose of saving space on a storage medium and increasing the storage capacity of the storage medium are well known in the art as well as available in market at the time of the invention was made as admitted by the applicant in the specification at pages 7-8. Therefore, with the benefit of increasing the storage capacity of a storage medium, one of ordinary skill in the art would be motivated to use the well known compressing means as admitted by the applicant for compressing the video/audio information of Izeke et al at a high compression ratio so that the video/audio information of a real time period (the time required for viewing video information) can be compressed in a burst time period (a very short time period) in order to increase the storage

Serial Number: 976,542

-4-

Art Unit: 2615

capacity of the storage medium of Izeke et al, and as a result, the compresses video/audio information are transmitted with the period that they are compressed into. Since the combination or modification of the Izeke et al with the compressing means is suggested and disclosed by the prior art at as admitted by the applicant , the combination of Izeke et al and the prior art admitted by the applicant is proper

In Remarks at page 8, applicant argues that " even assuming arguendo that the references could be combined without benefit of applicant's teachings, it is submitted that they cannot be combined in an operative fashion since Izeke et al. is directed to a digital system and Eggers et al. is directed to an incompatible analog system". In response, it is submitted that employing an A/D converter means to converting a analog video/audio information to a digital video/audio information is well known in the art and as shown by Izeke et al. Therefore , the Izeke et al. system would be compatible with the Eggers system by converting the analog video/audio signal of the Eggers into digital video/audio signal for processing, editing and storing . Since it is well known that the digital signal would provide a high quality more than an analog signal, one of ordinary skill in the art would be motivated combine Izeke et al with Eggers in order to improve the quality of the video/audio signal.

Serial Number: 976,542

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Art Unit: 2615

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE 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 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. The information disclosure statement is not considered because the IDS fails to be provided with a petition, fee and certification of timely filed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Nguyen whose telephone number is (703) 305-4775.

H.N  
November 27, 1995

  
TOMMY P. DINH  
SUPERVISORY PATENT EXAMINER  
GROUP 2600

APBU-00000558


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/976,542	11/16/92	LANG	R 284

 WILLIAM E. HEIN  
ATTORNEY AT LAW  
P.O. BOX 335  
LOVELAND, COLORADO 80539

26M2/0625

NGUYEN, H.	
EXAMINER	
ART UNIT	PAPER NUMBER
2615	21

DATE MAILED:

06/25/96

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☐ Applicant's failure to respond to the Office letter, mailed \_\_\_\_\_.
- ☒ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
- ☐ Applicant's failure to timely file the response received \_\_\_\_\_ within the period set in the Office letter.
- ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of \_\_\_\_\_ of the Notice of Allowance.
  - ☐ The issue fee was received on \_\_\_\_\_.
  - ☐ The issue fee has not been received in Allowed Files Branch as of \_\_\_\_\_.

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17(l), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.
- ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by \_\_\_\_\_ as required in the last Office action.
  - ☒ The corrected and/or substitute drawings were received on \_\_\_\_\_.
- ☐ The reason(s) below.

 TOMMY P. CHIN  
SUPERVISORY PATENT EXAMINER  
GROUP 2600



UTILITY SERIAL NUMBER	08/624958	PATENT DATE	PATENT NUMBER		ABANDONED						
SERIAL NUMBER	08/624,958	FILING DATE	03/28/96	CLASS	388	SUBCLASS	388/109	GROUP ART UNIT	2604	EXAMINER	U. U. U. U. U.

RICHARD A. LANG, CAVE CREEK, AZ.

\*\*\*CONTINUING DATA\*\*\*\*\*

VERIFIED THIS APPLN IS A CON OF 07/976,542 11/16/92 ABA  
 WHICH IS A DIV OF 07/775,182 10/11/91 PAT 5,164,839  
 WHICH IS A DIV OF 07/347,629 05/05/89 PAT 5,057,932  
 WHICH IS A CIP OF 07/289,776 12/27/88 PAT 4,963,995

Ha/verified

\*\*\*FOREIGN/PCT APPLICATIONS\*\*\*\*\*

VERIFIED

FOREIGN FILING LICENSE GRANTED 05/02/96

Foreign priority claimed 35 USC 119 conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no	AS FILED	STATE OR COUNTRY	SHEETS DRWGS.	TOTAL CLAIMS	INDEP. CLAIMS	FILING FEE RECEIVED	ATTORNEY'S DOCKET NO.
Verified and Acknowledged	Examiner's Initials	→	AZ	4	164	12	\$2,310.00	377

RICHARD A. LANG  
 C/O INSTANT VIDEO TECHNOLOGIES, INC.,  
 500 SANSOME STREET, SUITE 503  
 SAN FRANCISCO, CALIFORNIA 94111

BURST TRANSMISSION APPARATUS AND METHOD FOR AUDIO/VIDEO INFORMATION

U.S. DEPT. OF COMM/PAT. & TM—PTO-436L (Rev.12-84)

PARTS OF APPLICATION FILED SEPARATELY		Applications Examiner	
NOTICE OF ALLOWANCE MAILED		CLAIMS ALLOWED	
		Total Claims	Print Claim
ISSUE FEE		DRAWING	
Amount Due	Date Paid	Sheets Drwg.	Figs. Drwg.
		Print Fig.	
Label Area		ISSUE BATCH NUMBER	
		PREPARED FOR ISSUE	
WARNING: The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.			

Form PTO-436A  
(Rev. 8/92)

(FACE)

APBU-00000560

18/624958

## PATENT APPLICATION



08624958

APPROVED FOR LICENSE ☐

INITIALS \_\_\_\_\_

Date  
Entered  
or  
Mailed

## CONTENTS

Date  
Received  
or  
Mailed

ABANDONED

10/9

1. Application Prints papers.

22.	Pre-Omitt, F	3-28-96
23.	IDS Refs.	8-8-96
24.	Interview Summary	8-30-96
25.	Petition to withdraw Attorney	9-11-96 shw
26.	Petition Granted	9-17-96 shw
2-18-97 27.	Final Key 3mas	2-20-97 RDN
28.	Ext. of Time (2)	7-18-97
29.	Interview Summary	8/29/97
9-2-97 30.	Notice of Abod.	9/3/97
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APBU-00000561

POSITION	ID NO.	DATE
CLASSIFIER		
EXAMINER	um	4/26/94
TYPIST	5102	5-2
VERIFIER	342	2-3
CORPS CORR.		
SPEC. HAND		
FILE MAINT.		
DRAFTING		

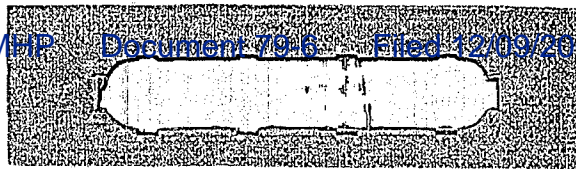
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SYMBOLS  
 ✓ ..... Rejected  
 = ..... Allowed  
 - (Through numeral) Canceled  
 + ..... Restricted  
 N ..... Non-elected  
 I ..... Interference  
 A ..... Appeal  
 O ..... Objected

Claim	Date
Final Original	10/24/98
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100	✓

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SEARCHED			
Class	Sub.	Date	Exmr.
386	1 46 109 52	2/16/97	ltz


INTERFERENCE SEARCHED			
Class	Sub.	Date	Exmr.

SEARCH NOTES		
	Date	Exmr.

(RIGHT OUTSIDE)

APBU-00000563



BAR CODE LABEL					
		U.S. PATENT APPLICATION			
SERIAL NUMBER		FILING DATE	CLASS	GROUP ART UNIT	
08/624,958		03/28/96	358	2615	
APPLICANT	RICHARD A. LANG, CAVE CREEK, AZ.				
	**CONTINUING DATA*****				
	VERIFIED THIS APPLN IS A CON OF 07/976,542 11/16/92				
	WHICH IS A DIV OF 07/775,182 10/11/91 PAT 5,164,839				
	WHICH IS A DIV OF 07/347,629 05/05/89 PAT 5,057,932				
	WHICH IS A CIP OF 07/289,776 12/27/88 PAT 4,963,995				
	**FOREIGN/PCT APPLICATIONS*****				
	VERIFIED				
	FOREIGN FILING LICENSE GRANTED 05/02/96				
STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS	FILING FEE RECEIVED	ATTORNEY DOCKET NO.
AZ	4	164	12	\$2,310.00	377
ADDRESS	WILLIAM E HEIN				
	PO BOX 335 LOVELAND CO 80539				
TITLE	BURST TRANSMISSION APPARATUS AND METHOD FOR AUDIO/VIDEO INFORMATION				
This is to certify that annexed hereto is a true copy from the records of the United States Patent and Trademark Office of the application which is identified above.					
By authority of the COMMISSIONER OF PATENTS AND TRADEMARKS					
Date	Certifying Officer				

**APBU-00000564**

## PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 1995

Application or Docket Number

624958

## CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE		
TOTAL CLAIMS	164 minus 20 = *	144
INDEPENDENT CLAIMS	12 minus 3 = *	9
MULTIPLE DEPENDENT CLAIM PRESENT		

\* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
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x\$11=	1584	OR	x\$22=	
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+125=		OR	+250=	
TOTAL	2910	OR	TOTAL	

## CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
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Independent	*	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x\$11=		OR	x\$22=	
x39=		OR	x78=	
+125=		OR	+250=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus **	=
Independent	*	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x\$11=		OR	x\$22=	
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TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus **	=
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FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
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+125=		OR	+250=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. 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.

FORM PTO-875  
(Rev. 10/95)

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

APBU-00000565

PACE DATA ENTRY CODING SHEET									
<div style="display: flex; justify-content: space-between;"> <div> U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office </div> <div> 1ST EXAMINER <i>Wu Thuy</i>      DATE <i>4/26/96</i>  2ND EXAMINER      DATE </div> </div>									
APPLICATION NUMBER <b>PP/624958</b>		TYPE APPL <i>2</i>		FILING DATE MONTH <i>03</i> DAY <i>28</i> YEAR <i>96</i>		SPECIAL HANDLING <i>0</i>		GROUP ART UNIT <i>2615</i> CLASS <i>358</i> SHEETS OF DRAWING <i>004</i>	
TOTAL CLAIMS <i>464</i>		INDEPENDENT CLAIMS <i>072</i>		FILING FEE <i>2310</i>		FOREIGN LICENSE <i>Y</i>		ATTORNEY DOCKET NUMBER <i>317</i>	
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<i>11</i>		<i>07347629</i>		<i>1</i>		<i>5057932</i>		<i>050589</i>	
<i>13</i>		<i>07289776</i>		<i>1</i>		<i>4963995</i>		<i>122788</i>	
PCT/FOREIGN APPLICATION DATA									
FOREIGN PRIORITY CLAIMED		COUNTRY CODE		PCT/FOREIGN APPLICATION SERIAL NUMBER		PCT/FOREIGN FILING DATE			
<div style="border: 1px solid black; width: 100px; height: 20px;"></div>		<div style="border: 1px solid black; width: 100px; height: 20px;"></div>		<div style="border: 1px solid black; width: 200px; height: 20px;"></div>		<div style="border: 1px solid black; width: 200px; height: 20px;"></div>		<div style="border: 1px solid black; width: 200px; height: 20px;"></div>	

IN THE UNITED STATES PATENT AND TRADE

2365-101-A/FM  
OFFICE

PATENT

Commissioner of Patents  
and Trademarks  
Box FWC  
Washington, D. C. 20231

Case No. 377

Anticipated Classification #22F

of this Application: Rose

Class

Subclass

Prior Application: 7-2-96

Examiner H. Nguyen

Art Unit 2615

Dear Sir:



REQUEST TO FILE A FILE WRAPPER CONTINUING  
PATENT APPLICATION UNDER 37 CFR 1.62

This is a Request for filing a

- ☒ continuation application  
☐ divisional application  
☐ continuation-in-part application (a new Declaration and an amendment adding material to the specification or drawings and adding claims are enclosed)

under 37 CFR 1.62 of pending prior application:

Serial No. 07/976,542

Filed on November 16, 1992

(Optional Information)

Title as originally filed AUDIO/VIDEO RECORDER/TRANSCIVER

Title as last amended BURST TRANSMISSION APPARATUS AND METHOD FOR AUDIO/VIDEO INFORMATION

Identification of prior foreign application(s)

Was priority claimed under 35 U.S.C. 119? yes ☐ no ☒

- ☐ Cancel in this application the following claims in the prior application (at the time of this Request) before calculating the fee:

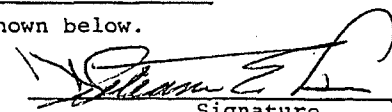
- ☐ Before calculating the filing fee, amend the claims in the prior application (at the time of this Request):

- ☐ in accordance with the enclosed Preliminary Amendment.  
☐ in accordance with the Amendment Under Final Rejection Under 37 CFR 1.116 filed \_\_\_\_\_, but not entered, a copy of which is enclosed.

The filing fee is calculated below:

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS		164 -30=	144	\$ 10.00 =	\$ 3168.00
INDEPENDENT CLAIMS		12 -3=	9	\$ 30.00 =	702.00
MULTIPLE DEPENDENT CLAIM(s) (if applicable)				+ \$100.00 =	
BASIC FEE				+ 300.00	750
Total of above Calculations =					4620.00
Reduction by 1/4 for filing by small entity (Note 37 CFR 1.9, 1.21, 1.22). If applicable, verified statement must be attached.					2310.00
TOTAL =					2310.00



- ☒ A Petition for Extension of Time to Respond to Office Action is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees, including those under 37 CFR 1.16 and 1.17 and 35 U.S.C. 41 which may be required, or credit any overpayment to Deposit Account \_\_\_\_\_ duplicate copy/copies of this sheet is/are enclosed.
- ☒ A check in the amount of \$ 2365.00 is enclosed.
- ☐ Amend the specification by inserting before the Background of the Invention section the heading: -- Cross Reference to Related Application --, and the paragraph: -- This application is a continuation, ☐ divisional, ☐ continuation-in-part of application Serial No. 07/976,542, filed November 16, 1992, now abandoned. --
- ☒ A verified statement(s) claiming small entity status ☐ is/are enclosed ☒ was/were filed in the prior application.
- ☒ The prior application is assigned of record to Explore Technology, Inc.
- ☒ The Power of Attorney in the prior application is to William E. Hein P.O. Box 335, Loveland, Colorado 80539, Registration No. 26,465
- ☒ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☐ Recognize as associate or substitute attorney or agent \_\_\_\_\_, Registration No. \_\_\_\_\_
- ☐ Authorization is hereby granted by signature below of applicant or attorney or agent of record.
- ☐ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☒ Address all future communications to the ☒ prior, ☐ associate, or ☐ substitute attorney or agent.
- ☒ Address: P.O. Box 335  
Loveland, Colorado 80539
- ☐ Send to signator's address shown below.
- March 28, 1996  
Date
- Address of Signator:
- P.O. Box 335  
Loveland, Colorado 80539
- Telephone: 970-667-6741
-   
Signature
- William E. Hein  
Typed Name
- 26,465  
Registration No.
- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under 37 CFR 1.34(a)



07/976542

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

ART UNIT 2615

Examiner H. Nguyen

Richard A. Lang

CASE 284

SERIAL NO. 07/976,542

FILED November 16, 1992

SUBJECT BURST TRANSMISSION APPARATUS AND METHOD FOR AUDIO/VIDEO  
INFORMATION (AS AMENDED)

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

SIR:

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136

It is respectfully requested that an extension of time of one months be granted in accordance with the provisions of 37 C.F.R. 1.136 to take the action required in the application identified in caption, as reflected by the papers submitted herewith.

A check in the amount of \$55.00 (small entity) is enclosed herewith in payment of the processing fee associated with this petition.

Respectfully submitted,

Richard A. Lang

By

William E. Hein  
Patent Attorney #26,465

March 28, 1996  
(970) 667-6741  
Loveland, Colorado

320 BA 05/01/96 07976542  
1 215 55.00 CK

"Express Mail" mailing label number TB066139964  
Date of Deposit March 28, 1996  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.  
William E. Hein  
(Typed or printed name of person mailing paper or fee)  
  
(Signature of person mailing paper or fee)

08/624958

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

320 BA 05/01/96 08624958  
1 101 2,365.00-CK 377  
1 201 2,310.00 CK 377

330 JH 04/10/96 08624958  
1 101 2,365.00 CK 377

APBU-00000570



IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE  
ART UNIT 2615  
Examiner H. Nguyen

#23  
Roso  
8-19-96

Richard A. Lang  
CASE 377  
SERIAL NO. 08/624,958  
FILED March 28, 1996  
SUBJECT BURST TRANSMISSION APPARATUS AND METHOD FOR AUDIO/VIDEO  
INFORMATION (AS AMENDED)

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231


SIR:

INFORMATION DISCLOSURE STATEMENT

Pursuant to the provisions of 37 CFR 1.56, 1.97, and 1.98, enclosed  
herewith are copies of five U.S. patent references that have come to  
applicant's attention. Enclosed is one sheet of Form PTO-1449 on which these  
references are cited.

Respectfully submitted,

Richard A. Lang

By   
William E. Hein  
Patent Attorney #26,465

August 6, 1996  
(970) 667-6741  
Loveland, Colorado

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in an  
envelope addressed to: Commissioner of Patents and Trade-  
marks, Washington, D.C. 20231, on August 6, 1996.

Date

William E. Hein

Name of applicant, assignee, or  
Registered Representative

Signature

August 6, 1996

Date

Sheet 1 of 1

U.S. DEPARTMENT OF PATENTS, PUBLICATIONS,  
AND OTHER INFORMATION  
DISCLOSED BY APPLICANT  
(Use several sheets if necessary)

ATTY. DOCKET NO.  
377

SERIAL NO.  
08/11/1996 896727

APPLICANT  
Richard A. Lang

FILING DATE  
March 28, 1996

GROUP  
2615

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
HN	AA	2 9 8 7 6 1 4	11/1961	Roberts et al.	250	6	
HN	AB	4 3 0 0 1 6 1	11/1981	Haskell	358	142	
HN	AC	4 5 2 1 8 0 6	6/1985	Abraham	358	86	
HN	AD	4 8 9 7 7 1 7	1/1990	Hamilton	358	133	3/30/88
HN	AE	5 0 0 6 9 3 6	4/1991	Hooks, Jr.	358	335	8/13/84
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AL							
AM							
AN							
AO							
AP							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AR		
AS		
AT		

EXAMINER  
*Huy Nguyen*

DATE CONSIDERED  
*11/19/97*

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

APBU-00000572



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/624,958	03/26/96	LANG	R 377
WILLIAM E HEIN PO BOX 335 LOVELAND CO 80539		26N2/0904	NGUYEN EXAMINER
		ART UNIT	PAPER NUMBER
		2615	24

DATE MAILED:

09/04/96

## EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) William Hein (3) \_\_\_\_\_  
(2) Huy Nguyen (4) \_\_\_\_\_

Date of Interview

8/30/96Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☐ No. If yes, brief description: \_\_\_\_\_Agreement ☐ was reached with respect to some or all of the claims in question. ☐ was not reached.

Claims discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner

agreed to hold the application S/N until Sept 10, 1996  
for the applicant files a preliminary Amendment. If  
the Examiner don't receive the Preliminary Amendment by  
Sept 10, 1996, the Examiner will send a final office action to the  
applicant.

(A brief description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

PTOL-413 (REV. 2-93)

Examiner's Signature

ORIGINAL FOR INSERTION IN RIGHT HAND FLAP OF FILE WRAPPER

APBU-00000573

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE  
ART UNIT 2615  
Examiner H. Nguyen

#25  
9-17-96  
shw

Richard A. Lang  
CASE 377  
SERIAL NO. 08/624,958  
FILED March 28, 1996  
SUBJECT BURST TRANSMISSION APPARATUS AND METHOD FOR AUDIO/VIDEO  
INFORMATION (AS AMENDED)

96 SEP 11 AM 11:32  
RECEIVED  
GROUP 2800  
shw

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

SIR:

REQUEST TO WITHDRAW AS ATTORNEY OF RECORD

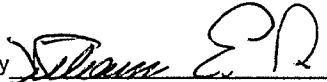
The undersigned attorney of record in the above-identified patent application hereby applies to the Commissioner to withdraw as the attorney of record in this application for the reasons set forth below:

1. That no Office Action is outstanding in this application.
2. That the undersigned attorney has not received payment of his statements dated April 30, 1996, and August 6, 1996, for services previously rendered in connection with this application.
3. That the undersigned attorney does not wish to continue to be responsible for this application in view of the fact that he has not been paid for past services.
4. Upon approval of this Request to Withdraw as Attorney of Record, kindly direct notice thereof and all future correspondence regarding this application to the applicant: Mr. Richard A. Lang, C/O Instant Video Technologies, Inc., 500 Sansome Street, Suite 503, San Francisco, California 94111. Also kindly notify the undersigned attorney at his address of record:

P.O. Box 335, Loveland, Colorado 80539.

For the reasons set forth above, prompt consideration and approval of  
this Request to Withdraw as Attorney of Record is earnestly solicited.

Respectfully submitted,

By   
William E. Hein  
Patent Attorney #26,465

September 10, 1996  
(970) 667-6741  
Loveland, Colorado



COPY

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE  
ART UNIT 2615  
Examiner H. Nguyen

Richard A. Lang  
CASE 377  
SERIAL NO. 08/624,958  
FILED March 28, 1996  
SUBJECT BURST TRANSMISSION APPARATUS AND METHOD FOR AUDIO/VIDEO  
INFORMATION (AS AMENDED)

RECEIVED  
96 SEP 11 AM 11:32  
GROUP 260

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

SIR:

REQUEST TO WITHDRAW AS ATTORNEY OF RECORD

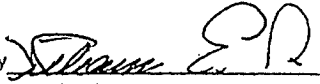
The undersigned attorney of record in the above-identified patent application hereby applies to the Commissioner to withdraw as the attorney of record in this application for the reasons set forth below:

1. That no Office Action is outstanding in this application.
2. That the undersigned attorney has not received payment of his statements dated April 30, 1996, and August 6, 1996, for services previously rendered in connection with this application.
3. That the undersigned attorney does not wish to continue to be responsible for this application in view of the fact that he has not been paid for past services.
4. Upon approval of this Request to Withdraw as Attorney of Record, kindly direct notice thereof and all future correspondence regarding this application to the applicant: Mr. Richard A. Lang, C/O Instant Video Technologies, Inc., 500 Sansome Street, Suite 503, San Francisco, California 94111. Also kindly notify the undersigned attorney at his address of record:

P.O. Box 335, Loveland, Colorado 80539.

For the reasons set forth above, prompt consideration and approval of this Request to Withdraw as Attorney of Record is earnestly solicited.

Respectfully submitted,

By   
William E. Hein  
Patent Attorney #26,465

September 10, 1996  
(970) 667-6741  
Loveland, Colorado

*William E. Hein*  
ATTORNEY AT LAW

AREA CODE FOR TELEPHONE  
AND TELEFAX HAS  
CHANGED FROM (303) TO (970)

SUITE 408, AFFILIATED NATIONAL BANK  
200 EAST SEVENTH STREET  
P. O. BOX 338  
LOVELAND, COLORADO 80538  
PHONE (303) 687-8741  
FAX (303) 687-8741 OR (303) 688-8485

September 10, 1996

VIA FEDERAL EXPRESS

Quality Patent Printing  
701 South 23rd Street  
Arlington, Virginia 22202

Re: U.S. Patent Application Serial No. 08/624,958 entitled BURST TRANSMISSION  
APPARATUS AND METHOD FOR AUDIO/VIDEO INFORMATION (AS AMENDED) filed  
March 28, 1996 (Case: 377)

Ladies and Gentlemen:

Enclosed in connection with the above-identified patent application are a  
REQUEST TO WITHDRAW AS ATTORNEY OF RECORD in triplicate and a confirmation  
postcard. Please carry these documents directly to the office of Mr. Hien H.  
Phan, Special Program Examiner of Group 2600-Telecommunications. His office is  
in Building Crystal Park 2, Room 8A37, and his telephone number is 308-7502.  
Please have the confirmation postcard date stamped and returned to my office.

Also enclosed is my check in the amount of \$15.00 in payment of your  
service charge for hand delivery of these documents. Thank you for your kind  
cooperation and assistance.

Best regards,

*William E. Hein*  
William E. Hein

WEH:bn  
Enclosures

RECEIVED  
SEP 11 AM 11:32  
GROUP 260

APBU-00000578



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER OF  
PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Richard A. Lang  
C/O Instant Video Technologies, Inc.  
500 Sansome Street, Suite 503  
San Francisco, CA 94111

Paper No. 26

**MAILED**

**SEP 17 1996**

**GROUP 2600**

In re Application of )  
Richard A. Lang )  
Application No. 08/624,958 )  
Filed: March 28, 1996 )  
For: BURST TRANSMISSION )  
APPARATUS AND METHOD FOR )  
AUDIO/VIDEO INFORMATION )

DECISION ON REQUEST TO  
WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney under 37 C.F.R. § 1.136, filed September 11, 1996.

A grantable request to withdraw as attorney of record should be submitted in triplicate (original and two copies) and indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above listed requirements.

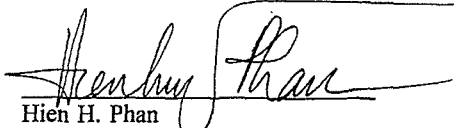
The request is GRANTED.

**APBU-00000579**

*Application No. 08/624,958*  
*On Request To Withdraw*

2

All future communications from the Office will be directed to the above-listed address until otherwise notified by applicant.



Hien H. Phan  
Special Program Examiner  
Group 2600 - Telecommunications

cc: William Hein  
P.O. Box 335  
Loveland, Colorado 80539

APBU-00000580



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER 08/624,959	FILING DATE 03/25/96	FIRST NAMED APPLICANT LANG	ATTY. DOCKET NO. 377
----------------------------------	-------------------------	-------------------------------	-------------------------

26N2/0220

RICHARD A. LANG  
C/O INSTANT VIDEO TECHNOLOGIES, INC.,  
500 SANSOME STREET, SUITE 503  
SAN FRANCISCO, CALIFORNIA 94111

NGUYEN, H

ART UNIT	PAPER NUMBER
----------	--------------

2604

27

03/20/97  
DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

## OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 3/28/96
- ☒ This action is **FINAL**.
- ☐ 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 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 03 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 27-41, 43-68, 70-113, 115-129, 131-194 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 27-41, 43-68, 70-113, 115-129 and 131-194 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is: ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☒ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

APBU-00000581

Serial Number: 08/624,958

Page 2

Art Unit: 2604

### DETAILED ACTION

#### *Claim Rejections - 35 USC § 103*

1. 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.

2. Claims 27-41, 43-68, 70-100, 102-113, 115-129 and 131-194 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izeki et al in view of the admitted prior art in the specification at pages 7-8 and Eggers.

Regarding claims 27, 43, 85, 105, 115, 131, 132, 143, 158-161, 162, 169, 170, 172, 173, 176, 186, 189, 192, and 194, Izeki et al discloses a video and audio recording apparatus, Figs 1-5, for receiving audio/video information, compressing the audio / video information, and storing the compressed audio/video information in a storage means for later selectively retrieving and transmitting the audio/video information to another audio/video apparatus. The apparatus comprises input means (43 and 44) for receiving audio and video information to produce the compressed video and audio information; means (53, 52, 110) for storing the compressed audio and video information; means for receiving the compressed audio and video information; and editing means (47) for editing the compressed audio/video information and for storing the edited audio or video information in the storage means; and output means (80) for outputting the edited audio/video information away from the audio and video apparatus.

Serial Number: 08/624,958

Page 3

Art Unit: 2604

Izeki et al fails to specifically teach that the compressed audio/video information are the time-compressed audio/video information as recited in claims 27, 43, 55, 85, 105, 115, 131, 132, 143, 162, 173, and 194.

However, it is noted that employing means for time-compressed audio/video information so that the compressed audio/video information can transmitted at high speed (in flash or burst period) and so that to increase the capacity of a storage means is well known in the art and available in market at the time the invention was made as admitted by applicant in the specification, page 7 and 8. Therefore, it would have been obvious to one of ordinary skill in the art to employ means for time-compressing audio/video information as an alternative compressing device for the compressing means of Izeki et al to time-compress the audio/video information of Izeki et al in order to increase the transmission speed of the audio/video information as well as to increase the capacity of storing the audio/video information of the storage means.

Further for claims 43, 44, 55, 60, 131, 132 and 148, Izeki et al fails to teach that the audio/video information are compressed video motion programs from library. However, it is noted that audio/video information comprising compressed video motion programs from a video library (Video on demand) or from a broadcast via a tuner and that compressing motion video program are well known in the art, For example, Eggers et al teaches a video library which stores motion programs. Therefore, it would have been obvious to one of ordinary skill in the art to use the audio/video apparatus of Izeki et al to receive the compressed motion programs as an



Serial Number: 08/624,958

Page 4

Art Unit: 2604

alternative video information source to process and store the motion video programs for later viewing.

Regarding claims 48, 50, 51, 62, 83, 105, 133, 138, 134, 135, and 136, Izeki et al fails to specifically teach a decompressing means for decompressing the compressed audio/video information. However, it is noted that using a decompressing means to reverse the compressed audio/video information is well known in the art and as admitted by the applicant in the specification. Therefore, it would have been obvious to one of ordinary skill in the art to employ decompressing means into Izeki et al apparatus to reverse the compressed audio/video information to original audio/video information to accommodate with receiving devices such as a television monitor or recorder device.

Regarding claims 28, 49, 53, 71, 75, 116, 135, 137, 138, 140, and 141, Izeki et al further teaches a monitor (48) for monitoring the editing of the stored audio/video information.

Regarding claims 29,30,37,38,39,41,56,57,77-78, 95, 96, 97, 98, 117, 118, 124, 126, 127, 129,142, 144, 145, 166, 183-185, and 187, Izeki et al fails to teach the use of fiber optic, telephone and microwave to couple to the input port or output port for receiving the audio/video information from a tuner or cable and for transmitting the audio/video information is well known in the art . Therefore, it would have been obvious to one of ordinary skill in the art to use a fiber optic, telephone and microwave line for receiving the audio/video information at the input port and for transmitting the audio /video information from the output port.

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Regarding claims 31, 32, 59, 65, 67, 68, 91, 92, 93, 102, 103, 104, 106, 107, 108, 109, 110, 112, 119, 120, 146, 147, 154, 155, 156, 164, 165, 179, 180, 188, 190, 191, and 193, Izeki et al fails to specifically teach that the storage means comprises an optical disk, or a WORM memory, or a semiconductor memory, or a bubble memory, or an erasable optical disk, or a CD ROM, or a digital paper. However, employing an optical disk, erasable optical disk, a semiconductor, bubble memory, CD ROM or a digital paper for storing information is well known in the art (See Izeki et al column 7, lines 23-31) and as admitted by the applicant in the specification. Therefore, it would have been obvious to one of ordinary skill in the art to use an optical disk, erasable optical disk, a bubble memory, digital paper, CD ROM, or WORM memory as an alternative storage means of Izeki et al for storing the audio/video information of Izeki et al.

Regarding claims 33 and 34 and further for claims 85, and 172, Izeki et al teaches means for converting the input audio/video information into digital audio/video information and for storing the digital audio/video information (column 3, lines 39-43) and means for converting the digital audio/video information into analog audio/video information (column 5, lines 40-51).

Regarding claims 36, 54, 94, and 182, Izeki et al fails to teach that the audio/video information is taken from a tape recorder. However, it is noted a tape recorder which capable of reproducing audio/video information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use the input of Izeki et al to receive the audio/video information from a video tape recorder as being an alternative audio/video information source.

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Regarding claims 35 and 123, Izeki et al teaches that the input audio/video information supplied from a video camera.

Regarding claims 40 and 128, Izeki et al fails to specifically teaches that the input audio/video information received from computer. However, it is noted that audio/video information which are generated by a computer is well known in the art . Therefore, it would would have been obvious to one of ordinary skill in the art to supply generated audio/video information from a computer as an alternative audio/video information source of Izeki et al.

Regarding claims 61, 63, 70, 73, 75, 79, 80, 82, 84, 87-88, 89, 90, 149, 150, 151, 152, 157, 158, 159, 162, 163, 167, 168, 177, and 178, Izeki et al further teach a removable recorder such as a tape recorder (54) for storing the audio/video information from the storage means.

Regarding claim 86, Izeki et al further discloses a character generating means for generating title associated with the audio/video information by the user but fails to specifically teach that the title is indicating timing information. However, it would have been obvious to one of ordinary skill in the art to use the character generating means of Izeki et al for generating the character indicating the date or time, considered as the claimed timing information, of receiving the audio/video information of Izeki et al through the input by the user (key board)(column 2, lines 65-68).

Regarding claims 99 and 100, Izeki et al further discloses a digital control unit means(41,56) for controlling editing function including memory for storing instruction information to perform editing function but fails to specifically teach that the memory id a ROM

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. However, it is noted that employing a ROM for storing necessary instruction information in a control device to control an apparatus is well known in the art . Therefore, it would have been obvious to one of ordinary skill in the art to use well known ROM as an alternative memory for the memory (56) of Izeki et al in order to accurately edit the audio/video information.

3. Claim 101 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izeki et al in view of the admitted prior art in the specification , papers 7-8, and Egger as applied to claim 98 above, and further in view of Muramoto et al.

Izeki et al fails to teach a RGB converter for converting the stored information to RGB format. However, it is noted that employing a RGB converter for converting information into RGB format is well known in the art. For example, Muramoto teaches a RGB converter for converting stored information to RGB format. Therefore it would have been obvious to one of ordinary skill in the art to to employ the well known converter as taught by Muramoto with the apparatus of Izeki for converting the information to RGB format in order to reproduce the RGB format on an appropriate monitor.

#### *Conclusion*

4. This is a continuation application of applicant's earlier Application No. 07/976,542. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered

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in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response 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 will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Nguyen whose telephone number is (703) 305-4775 and phone fax number is (703) 308-5399.

  
THAI TRAN  
PRIMARY EXAMINER  
GROUP 2600

H.N

February 18, 1997

APBU-00000588



5-216

2604  
#28/8-228/  
V. Jones

IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Richard A. Lang

SERIAL NO.: 08/624,958

FILING DATE: March 28, 1996

TITLE: Burst Transmission Apparatus and Method for Audio  
Flash Video Information

EXAMINER: Huy Nguyen

GROUP ART UNIT: 2604

ATTY.DKT.NO.: P-639

RECEIVED  
AUG 13 97  
GROUP 2000

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

REQUEST FOR A TWO MONTH EXTENSION OF TIME

SIR:

Applicant hereby request a two month extension of time in responding to the Patent Office communication mailed February 20, 1997. Enclosed herewith is a check for the \$195.00 filing fee for the extension of time.

Please charge our Deposit Account No. 06-0600 for additional fees that may be incurred. A duplicate copy of this letter is enclosed for this purpose.

08/12/1997 HPDPLES 00000104 00524958  
01 FC1216 195.00 CP

Respectfully submitted,

Richard A. Lang

By:

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Date: 7/18/97

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APBU-00000589



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/624,958	03/28/96	LANG	R 377

E3M1/0903  
RICHARD A. LANG  
C/O INSTANT VIDEO TECHNOLOGIES, INC.,  
500 SANSOME STREET, SUITE 503  
SAN FRANCISCO, CALIFORNIA 94111

EXAMINER  
NGUYEN, H

ART UNIT PAPER NUMBER

2604 29

DATE MAILED: 09/03/97

#### INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) Marc Sockol (3) \_\_\_\_\_

(2) Huy Nguyen (4) \_\_\_\_\_

Date of Interview: 8/29/97

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No If yes, brief description: \_\_\_\_\_

Agreement ☐ was reached. ☐ was not reached.

Claim(s) discussed: none

Identification of prior art discussed: none

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant's representative informed the Examiner that an FWC application for the application S/N 08/624,958 has been filed July 18, 1997.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1, above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

FORM PTOL-413 (REV.1-85)

*Nguyen*

APBU-00000590

**Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record**

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

**§1.133 Interviews**

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for response to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the telephonic interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter or the remainder of any period for response, whichever is longer, to complete the response and thereby avoid abandonment of the application (37 CFR 1.135(c)).

**Examiner to Check for Accuracy**

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.