Exhibit 34

to Motorola's Responsive Claim Construction Brief

August 18, 2011

Office Action Summary	Application No.	Applicant(s)	
	11/198,289	HENDRY ET AL.	
	Examiner	Art Unit	
	Thuan N. Du	2116	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/8/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-4 and 7-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 and 16-21 of U.S. Patent No. 6,282,646 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because one of ordinary skill in the art would have recognized that a display manager is a component of an operating system.

4. Claims 1, 12 and 15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 22 and 43 of U.S. Patent No. 6,928,543 B2.

Although the conflicting claims are not identical, they are not patentably distinct from each other because one of ordinary skill in the art would have recognized that display manager and device manager are components of an operating system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the system would operate in the same manner when the display manager either associates the frame buffer associated with the computer system with the added display device or modifies the allocation of display space to display devices in accordance with the addition of a video device.

Claim Objections

5. Claim 14 is objected to because of the following informalities: Claim 14 should depend on claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 12 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hogle, IV [Hogle], U.S. Patent No. 5,923,307.

8. Regarding claim 1, Hogle teaches a method for configuring a computer system to accommodate changes in a display environment, comprising the steps of:

detecting the addition or removal of a display device in the computer system [col. 11, lines 26-29, 40-42; col. 18, lines 7-9];

providing a notification to a component of an operating system (USER reconfiguration code) executing on said computer system that a video device has been added or removed, in response to said detection [col. 18, lines 15-16]; and

modifying the allocation of display space to display devices via said operating system component, in response to said notification and in accordance with the addition or removal of a video device [col. 11, lines 26-47; col. 12, line 14 et seq.; col. 18, lines 16-19].

9. Regarding claim 2, Hogle teaches that the video device comprises a video card that includes a frame buffer [col. 6, lines 56-60], and said modifying step includes assigning a portion of the display space to the frame buffer of an added video card, or deleting the assignment of a portion of the display space to a removed video card [col. 6, lines 63-67].

10. Regarding claims 3-6, Hogle teaches that the operating system carries out the further step of storing a preferences file that identifies the status of displayed objects prior to a change in the configuration of a computer [col. 11, line 48 et seq.].

11. Regarding claims 12 and 14, Hogle teaches the claimed method steps. Therefore, Hogle teaches the apparatus to implement the claimed method steps.

12. Regarding claims 15-17, Hogle teaches the claimed method steps. Therefore, Hogle teaches the program for carrying out the claimed method steps.

Claim Rejections - 35 USC § 103

13. 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 negatived by the manner in which the invention was made.

14. Claims 7-11, 13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogle, IV [Hogle], U.S. Patent No. 5,923,307.

15. Regarding claims 7-11, 13 and 18-20, these claims are directed to method steps and system for reconfiguring the system when a display device is added or removed of claims 1, 12 and 15. As stated above, Hogle teaches the invention substantially as set forth in claims 1, 12 and 15. At the time of the invention, one of ordinary skill in the art would have readily recognized that Hogle may obviously also teach the system and method of claims 1, 12 and 15 as set forth in claims 7-11, 13 and 18-20. As such, claims 7-11, 13 and 18-20 are rejected under the same rationale with respect to claims 1, 12 and 15.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 7:30 AM - 4:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached at (571) 272-3676.

Central TC telephone number is (571) 272-2100.

The fax number for the organization 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).

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April 9, 2007

THUAN N. DU
PRIMARY EXAMINER