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GROUP (3): CLAIMS 5-6

18. As to these claims, 3PR has proposed the following rejections:
- (A) Claim 5 is anticipated by **Kjorsvik**.
 - (B) Claim 6 is obvious over **Kjorsvik** in view of **Salm**.
 - (C) Claim 5 is anticipated by **Rakavy**.
 - (D) Claim 6 is obvious over **Rakavy** in view of **Salm**.
 - (E) Claim 5 is obvious over **Rakavy** in view of **Kjorsvik**.
19. None of these rejections are adopted for the reasons set forth on pages 34-39.
20. Claims 5-6 are rejected over the following Examiner initiated rejections.
- Claim 5 is obvious over **Kjorsvik**.
 - Claim 6 is obvious over **Kjorsvik** in view of **Salm**.

EXAMINER INITIATED REJECTIONS OF CLAIMS 5-6

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

Kjorsvik discloses a computer readable medium encoded with one or more computer programs for enabling engagement of the peripheral attention of a person in the vicinity of a display device, comprising:

(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)

- instructions for acquiring a set of content data (presentations; col. 4:19-25)
- from a content providing system (database #24 on network server; col.2:63-65);
- instructions for detecting an idle period of predetermined duration; and

(Since the system of **Kjorsvik** initiates presentations for the PC during which the PC has been in an 'on' state but not in use, the system must necessarily provide instructions for detecting an idle period of predetermined duration in order to initiate the presentation. As such, this claim limitation is inherent in the device of **Kjorsvik**. see col. 2:15-17)

- instructions for selectively displaying on the display device (monitor) after detection of the idle period (col. 2:15-17) and in an unobtrusive manner that does not distract a user of the display device from a primary interaction with the display device (monitor)

(Each user in the system, i.e. each network PC, will have its own unique schedule of presentations, including a particular sequence of different presentations and a specific time of nonuse required before a presentation begins. This scheduling of presentations is established through the administration module and stored in the system database #24. col. 4:9-16. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)

- wherein the set of content data (presentations) is selected from a plurality of sets of content data,

(Administration module #26 and database #24 on server #18 are responsible for selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col.2:62-67)

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- each set being provided by an associated content provider (*other network servers*), wherein
(Administration module #26 also has the capability of communicating with external sources, including other network servers with databases having presentation information, as well as other outside sources of data and images. col. 2:58-62)
- each associated content provider (*other network server*) is located in a different physical location than at least one other content provider (*another network server*) and each content provider (*other network server*) provides its content data (*presentation*) to a content display system (*computer*) associated with the and located entirely in the same physical location as the display device (*monitor*) independently of each other content provider and
(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col. 4:20-25)

First, **Kjorsvik** does not disclose the limitation "*without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system*" because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (*col. 2:10-15*) As such, **Kjorsvik** discloses the content data (*presentations*) are aggregated at a common physical location (*system database on the network server*) prior to being provided to the content display system (*individual network PC*).

Kjorsvik teaches, however, that administration module *#26* may communicate directly with external sources, which include other network servers with databases having presentation information. (*col. 2:58-62*) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the

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presentation within the system. (col. 4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col. 4:17-18) or the user of the individual PC. (col. 5:24-32)

Kjorsvik teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col. 4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content

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provider the added flexibility of staging its provided presentation on the individual user's computer.

22. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

Claim 6 is dependent upon **claim 5**. As such, the claim rejection above addressing each limitation of **claim 5** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.

GROUP (4): CLAIMS 7-9

23. As to these claims, 3PR has proposed the following rejections:
- (A) Claims 7 and 9 are anticipated by **Kjorsvik**.
 - (B) Claim 8 is obvious over **Kjorsvik** in view of **Salm**.
 - (C) Claims 7 and 9 are is anticipated by **Rakavy**.
 - (D) Claim 8 is obvious over **Rakavy** in view of **Salm**.
 - (E) Claims 7 and 9 are obvious over **Rakavy** in view of **Kjorsvik**.
24. None of these rejections are adopted for the reasons set forth on pages.34-39.
25. Claims 7-9 are rejected over the following Examiner initiated rejections.
- Claims 7 and 9 are obvious over **Kjorsvik**.
 - Claim 8 is obvious over **Kjorsvik** in view of **Salm**.

EXAMINER INITIATED REJECTIONS OF CLAIMS 7-9

26. **Claims 7 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

As to **claim 7**, **Kjorsvik** discloses a content display system for engaging the peripheral attention of a person in the vicinity of a display device (*monitor*) located in the same physical location as the content display system (*computer*), comprising:

(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20. The monitor of the computer is located in the same physical location)

- data acquisition apparatus (*administration module #26*) that enables acquisition of a set of content data (*presentations*);

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

- display apparatus (*messenger module*) that effects selective display on the display device (*monitor*), in an unobtrusive manner that does not distract a user of the display device from a primary interaction with the display device (*monitor*);

(The messenger module is responsible for the control of the presentation. Each slide is show for a preselected period of time and then if the PC is still not being used, the next slide in the presentation sequence is shown, again under the control the messenger module. col.5:13-17)

- user input apparatus (*designated key on the keyboard*) that enables selection by a user of one or more control options during the selective display of the image or images generated from the set of content data; and

(By pressing a designated key on the PC keyboard (or the correct mouse button), when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. It is possible, for example, to reverse the presentation slide by slide, or the presentation may be fast-forwarded, slide by slide. col.5:25-33)

- a system control device (*eject button*) that controls aspects of the operation of the system in accordance with a selected control option;

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(By pushing an eject button or other designated key, the user will also be able to go to another selected presentation among the several available to it through the administration module. The newly selected presentation will remain the "current" presentation until the broadcast schedule previously established in the administration module for that PC indicates that another presentation is due. col.5:33-38)

- wherein the set of content data (presentations) is selected from a plurality of sets of content data, each set being provided by an associated content provider (other network),

(Administration module #26 and database #24 on server #18 are responsible for selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col.2:62-67)

- wherein each associated content provider (other network server) is located in a different physical location than at least one other content provider (another network server) and each content provider (other network server) provides its content data (presentation) to the content display system (computer) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system" because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC).

Kjorsvik teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases

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having presentation information. (col.2:58-62) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the presentation within the system. (col.4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32)

Kjorsvik teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col.4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling

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instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content provider the added flexibility of staging its provided presentation on the individual user's computer.

As to **claim 9**, **Kjorsvik** discloses a link control option (*control menu: col. 5:27*) enables the user to establish a link with an information location and the system control device (*eject button*) establishes the link with the information location in response to selection of the link control option (*selecting an option on the control menu to go to another presentation*).

(By pushing the eject button or other designated key on the PC keyboard, or correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. col. 5:25-32)

27. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

Claim 8 is dependent upon **claim 7**. As such, the claim rejection above addressing each limitation of **claim 7** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.

GROUP (5): CLAIMS 10-12

28. As to these claims, 3PR has proposed the following rejections:
- (A) Claims 10 and 12 are anticipated by **Kjorsvik**.
 - (B) Claim 11 is obvious over **Kjorsvik** in view of **Salm**.
 - (C) Claims 10 and 12 are is anticipated by **Rakavy**.
 - (D) Claim 11 is obvious over **Rakavy** in view of **Salm**.
 - (E) Claims 10 and 12 are obvious over **Rakavy** in view of **Kjorsvik**.
29. None of these rejections are adopted for the reasons set forth on pages 34-39.
30. Claims 10-12 are rejected over the following Examiner initiated rejections.
- Claims 10 and 12 are obvious over **Kjorsvik**.
 - Claim 11 is obvious over **Kjorsvik** in view of **Salm**.

EXAMINER INITIATED REJECTIONS OF CLAIMS 10-12

31. **Claims 10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

Kjorsvik discloses a method for engaging the peripheral attention of a person in the vicinity of a display device, comprising the steps of:

(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)

- acquiring a set of content data (*presentations; col. 4:19-25*)
- from a content providing system (*database #24 on network server; col. 2:63-65*);
- selectively displaying on the display device, in an unobtrusive manner that does not distract a user of the display device from a primary interaction with the display device;

(Each user in the system, i.e. each network PC, will have its own unique schedule of presentations, including a particular sequence of different presentations and a specific time of nonuse required before a presentation begins. This scheduling of presentations is established through the administration module and stored in the system database #24. col. 4:9-16. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)

- enabling selection by a user (*pressing a designated key*) of one or more control options (*on control menu*) during the selective display of the images (*presentation slides*) generated from the set of content data (*presentation*); and controlling aspects of the operation of the system in accordance with a selected control option;

(By pressing a designated key on the PC keyboard or the correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. It is possible, for example, to reverse the presentation slide by slide, or the presentation may be fast-forwarded, slide by slide. col. 5:25-33)

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- wherein the set of content data (*presentation*) is selected from a plurality of sets of content data, each set being provided by an associated content provider (*other network server*),
- wherein each associated content provider (*other network server*) is located in a different physical location than at least one other content provider (*another network server*) and each content provider (*other network server*) provides its content data (*presentation*) to a content display system (*computer*) associated with the and located entirely in the same physical location as the display device (*monitor*) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system" because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (*col. 2:10-15*) As such, **Kjorsvik** discloses the content data (*presentations*) are aggregated at a common physical location (*system database on the network server*) prior to being provided to the content display system (*individual network PC*).

Kjorsvik teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (*col.2:58-62*) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the presentation within the system. (*col.4:20-25*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of

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Kjorsvik to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col. 4:17-18) or the user of the individual PC. (col. 5:24-32)

Kjorsvik teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col. 4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content provider the added flexibility of staging its provided presentation on the individual user's computer.

As to **claim 12**, **Kjorsvik** discloses a link control option (*control menu: col. 5:27*) enables the user to establish a link with an information location and the system control device (*eject button*) establishes the link with the information location in response to selection of the link control option (*selecting an option on the control menu to go to another presentation*).

(By pushing the eject button or other designated key on the PC keyboard, or correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. col. 5:25-32)

32. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

Claim 11 is dependent upon **claim 10**. As such, the claim rejection above addressing each limitation of **claim 10** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.

GROUP (6): CLAIMS 13-15

33. As to these claims, 3PR has proposed the following rejections:
- (A) Claims 13 and 15 are anticipated by **Kjorsvik**.
 - (B) Claim 14 is obvious over **Kjorsvik** in view of **Salm**.
 - (C) Claims 13 and 15 are is anticipated by **Rakavy**.
 - (D) Claim 14 is obvious over **Rakavy** in view of **Salm**.
 - (E) Claims 13 and 15 are obvious over **Rakavy** in view of **Kjorsvik**.
34. None of these rejections are adopted for the reasons set forth on pages 34-39.
35. Claims 13-15 are rejected over the following Examiner initiated rejections.
- Claims 13 and 15 are obvious over **Kjorsvik**.
 - Claim 14 is obvious over **Kjorsvik** in view of **Salm**.

EXAMINER INITIATED REJECTIONS OF CLAIMS 13-15

36. **Claims 13 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

Kjorsvik discloses a computer readable medium encoded with one or more computer programs for enabling engagement of the peripheral attention of a person in the vicinity of a display device, comprising:

(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)

- instructions for acquiring a set of content data (*presentations; col. 4:19-25*)
- from a content providing system (*database #24 on network server; col. 2:63-65*);
- instructions for selectively displaying on the display device (*monitor*), in an unobtrusive manner that does not distract a user of the display device (*monitor*) from a primary interaction with the display device (*monitor*);

(Each user in the system, i.e. each network PC, will have its own unique schedule of presentations, including a particular sequence of different presentations and a specific time of nonuse required before a presentation begins. This scheduling of presentations is established through the administration module and stored in the system database #24. col. 4:9-16. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)

- instructions for enabling selection by a user (*pressing a designated key*) of one or more control options (*on control menu*) during the selective display of the images (*presentation slides*) generated from the set of content data (*presentation*); and instructions for controlling aspects of the operation of the system in accordance with a selected control option;

(By pressing a designated key on the PC keyboard or the correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. It is possible, for example, to reverse the presentation slide by slide, or the presentation may be fast-forwarded, slide by slide. col. 5:25-33)

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- wherein the set of content data (*presentation*) is selected from a plurality of sets of content data (*presentations*), each set being provided by an associated content provider (*other network server*),
- wherein each associated content provider (*other network server*) is located in a different physical location than at least one other content provider (*another network server*) and each content provider (*network server*) provides its content data (*presentation*) to a content display system (*computer*) associated with the and located entirely in the same physical location as the display device (*monitor*) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation "*without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system*" because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (*col. 2:10-15*) As such, **Kjorsvik** discloses the content data (*presentations*) are aggregated at a common physical location (*system database on the network server*) prior to being provided to the content display system (*individual network PC*).

Kjorsvik teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (*col.2:58-62*) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the presentation within the system. (*col.4:20-25*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of

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Kjorsvik to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32)

Kjorsvik teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col.4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content provider the added flexibility of staging its provided presentation on the individual user's computer.

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As to **claim 15**, **Kjorsvik** discloses a link control option (*control menu: col. 5:27*) enables the user to establish a link with an information location and the system control device (*eject button*) establishes the link with the information location in response to selection of the link control option (*selecting an option on the control menu to go to another presentation*).

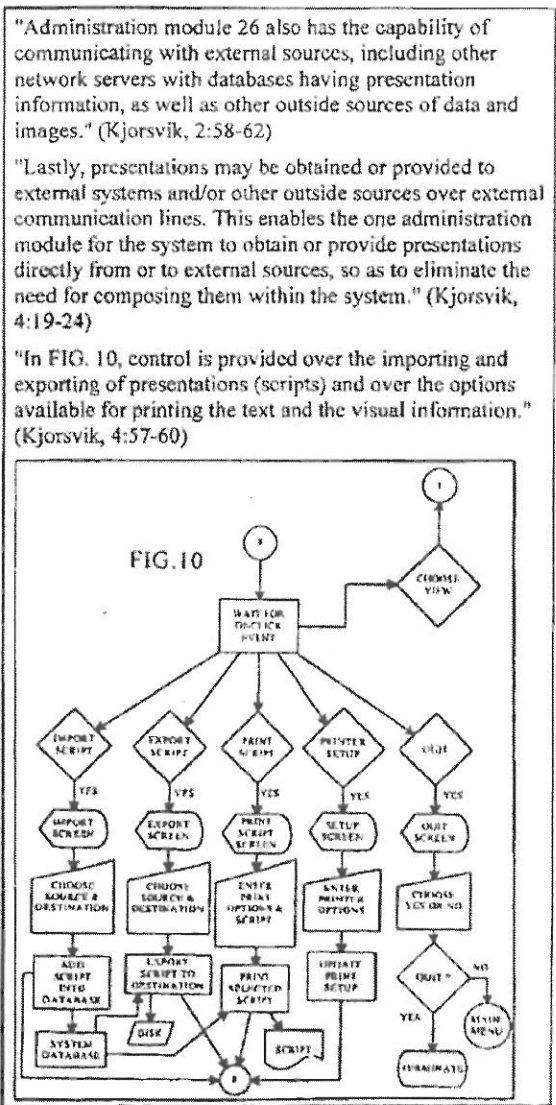
(By pushing the eject button or other designated key on the PC keyboard, or correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. col. 5:25-32)

37. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

Claim 14 is dependent upon **claim 13**. As such, the claim rejection above addressing each limitation of **claim 13** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.

REASONS FOR NOT ADOPTING PROPOSED REJECTIONS (1)-(2) OVER KJORSVIK

38. First, **Kjorsvik** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system". 3PR, however, argues this limitation is anticipated at col. 2:58-62, col. 4:19-24, and col. 4:57-60. (Request, pgs. 59-60, 64-65, 69-70, 75-76, 83, and 91)



Kjorsvik discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC). Consequently, **Kjorsvik** does not anticipate this limitation at col. 2:58-62, col. 4:19-24, and col. 4:57-60. Further, 3PR does not rely on a secondary reference to teach this limitation because 3PR alleges this limitation is anticipated by **Kjorsvik**. For at least these reasons, proposed rejections (1)-(2) are not adopted.

Second, **Kjorsvik** does not disclose "for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data". 3PR, however, argues this limitation is anticipated at col. 3:30-43, col. 5:14-17, and col. 3:58-65. (Request, pgs. 60-61, 65-66, 71, 76, 84, and 92).

Kjorsvik discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module (col. 3:41-43, col. 4:17-18) or the user of the individual PC. (col. 5:24-32) **Kjorsvik**, however, does not disclose the duration, sequencing, and timing of the content data (presentations) is provided by a content provider (other network server with a database of presentations). For least this reason, proposed rejections (1)-(2) are not adopted.

**REASONS FOR NOT ADOPTING
PROPOSED REJECTIONS (3)-(5) OVER RAKAVY**

39. First, **Rakavy** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system". 3PR, however, argues this limitation is anticipated at col. 5:54-57, col. 5:33-35, and col. 12:6-15, which are reproduced below.

(Request, pgs. 99-101, 103, 106-107, 101, 115, and 120)

"In an alternate embodiment of the present invention, the selected advertisement may be stored on any one of the plurality of advertising system servers connected to the Network 700." (Rakavy, 5:54-57)

"The main roles of the Advertising System Server 600 are to store Advertisements 50, transfer the Advertisements 50 to the Local Computer 500, and collect user feedback." (Rakavy, 5:33-35)

"The Advertisement Feeder 250, is responsible for adding new Advertisements 50 to the User Preference and Advertisement Database 230. Advertisements 50 preferably are provided from the Internet through the Internet Feeder 270, however, the Advertisements Feeder 250 is not dependent on the type of advertisement source and may receive Advertisements 50 from other sources, such as commercial on-line services, via other feeder mechanisms and other types of polite agents." (Rakavy, 12:6-15)

Rakavy discloses the advertisement feeder #250 is responsible for adding new advertisements to the advertisement database #230. (col. 12:5-8). **Rakavy** also discloses the advertisement display manager #210 selects and displays advertisements

#50 from the user preference and advertisements database #230. (col. 10:43-45) As such, **Rakavy** discloses the content data (advertisements) are aggregated at a common physical location (advertisement database #230) prior to being provided to the content display system (local computer). Consequently, **Rakavy** does not anticipate this limitation at col. 5:54-57, col. 5:33-35, and col. 12:6-15.

In addition, **Rakavy** does not make this claim limitation obvious because figure 4 discloses the only input to the Advertisements Display Manager #210 is the Interad Database #230. As such, it would NOT be obvious to one of ordinary skill in the art to modify the system of **Rakavy** so that the content data (advertisements) are NOT aggregated at a common physical location (database #230) because figure 4 discloses other software modules are dependent upon the database #230 and such a modification would impact the operation of the dependent software modules. Further, 3PR does not rely on a secondary reference to teach this limitation because 3PR alleges this limitation is anticipated by **Rakavy**. For at least these reasons, proposed rejections (3)-(5) are not adopted.

Second, proposed rejection (5) is not adopted because it does not set forth a prima facie case of obviousness as required by *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The factual inquiries set forth in *Graham v. John Deere Co* that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

However, 3PR does not ascertain the differences between **Rakavy** and the claims at issue. (*Request, pg. 125*) For the reader's convenience, 3PR's statement on this proposed rejection is set forth below

E. U.S. Patent No. 5,913,040 to Rakavy and U.S. Patent No. 5,748,190 to Kjorsvik

Claims 1, 3, 5, 7, 9, 10, 12, 13, and 15 are unpatentable under 35 U.S.C. § 103 as being obvious over the combination of Rakavy and Kjorsvik as discussed below. As described above, Rakavy and Kjorsvik individually disclose all of the limitations of claims 1, 3, 5, 7, 9, 10, 12, 13, and 15. However, to the extent the Examiner determines that Rakavy is missing a limitation, Kjorsvik provides the missing feature. Additionally, to the extent the Examiner determines that Kjorsvik is missing a limitation, Rakavy provides the missing feature.

A person of ordinary skill in the art would have been motivated to combine Rakavy and Kjorsvik because both are related to the display of content to a user during idle periods. Furthermore, a person of ordinary skill in the art could have combined the elements taught by Rakavy and Kjorsvik by known methods and would have recognized that the results of the combination were predictable.

In addition, 3PR alleges **Rakavy** anticipates each and every limitation of claims 1, 3, 5, 7, 9, 10, 12-13, and 15 while simultaneously arguing that these claims are also obvious over **Rakavy** in view of **Kjorsvik**. (*Request, pgs. 98-122*) Since this proposed rejection does not set forth the differences between **Rakavy** and the claims at issue as

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required by *Graham v. John Deere Co.* to establish a prima facie case of obviousness, proposed rejection (5) is not adopted.

Conclusion

40. 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 for 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: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at:

<https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 314(c) requires that *inter partes* reexamination proceedings "will be conducted with special dispatch"

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(37 CFR 1.937). Patent Owner extensions of time in *inter partes* reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not available for third party requester comments, because a comment period of 30 days from service of patent owner's response is set by statute. 35 U.S.C. 314(b)(3).

The patent owner is reminded of the continuing responsibility under 37 CFR 1.985(a) to apprise the Office of any litigation activity, or other concurrent proceeding, involving USP 7,400,274 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §2686 and 2686.04.

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.

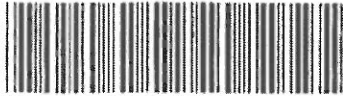
Signed:

/Deandra M. Hughes/
Primary Examiner, AU 3992

Conferees:



MARK J. REINHART
CRU SPE-AU 3992

Reexamination 	Application/Control No. 95001577	Applicant(s)/Patent Under Reexamination FREIBERGER ET AL.
	Certificate Date	Certificate Number

Requester Correspondence Address: Patent Owner Third Party

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LITIGATION REVIEW <input checked="" type="checkbox"/>	DMH (examiner initials)	05/17/2011 (date)
Case Name		Director Initials
Interval Licensing LLC v. AOL 2:10cv01385		

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TYPE OF PROCEEDING	NUMBER

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