Appeal decision

Appeal No. 2010-25131

 USA
 Appellant 2011 INTELLECTUAL PROPERTY ASSET TRUST CO. LTD.

 Tokyo, Japan
 Patent Attorney   KAWAMORITA, Koki

  Japanese Patent Application No. 2007-9247 "Multimedia Messaging Method and System" Case of Appeals against an Examiner's Decision of Refusal [the application published on August 2, 2007, Japanese Unexamined Patent Application Publication 2007-195188] has resulted in the following appeal decision:

Conclusion

  The appeal of the case was groundless.

Reason

1. History of the procedures
  The present application is a new patent application (Japanese Patent Application No. 2007-9247) filed on January 18, 2007, which is a part of Japanese Patent Application No. 2002-563677 filed on February 8, 2002 as an international filing date (Priority Claim under the Paris Convention: February 8, 2001,Republic of Finland). Decision of refusal was issued on July 1, 2010, and against this, request for appeal for the decision of refusal was issued on November 8, 2010.

2. The Invention
  The invention relating to Claim 3 of the present application(hereinafter referred to as the "Invention") is recognized as described in Claim 3 of the March 1, 2010 Written amendment as follows:
  "A method for operating a device which transmits multimedia messages via radio communication includes:

receiving a first multimedia message for a reception user agent and responsively notifying the reception user agent that the first multimedia message can be used;

storing the first multimedia message including a streamable media component;

replacing the streamable media component with a session description file, the session description file including information which allows the reception user agent to start a streaming session and search for the streamable media component; and

transmitting a second multimedia message including the session description file to the reception user agent."

3. Cited invention

Japanese Unexamined Patent Application Publication No. H10-40188 (hereinafter referred to as the "Cited Document") cited in the reasons for refusal of the examiner's decision contains the following descriptions together with drawings.

A. "[0001]
[Technical field to which the invention pertains]
"The present invention relates to multimedia mail transmission and reception devices, in particular, to multimedia mail transmission for enabling transmission of media information such as still images, voices, and moving images as an electronic mail together with text information, and a receiving device."

B. "[0016] FIG. 6 is a block diagram showing an outline of mail transmission and a receiving system. Reference numeral 51 denotes a transmission-side client terminal, reference numeral 52 denotes a transmission-side mail server, reference numeral 54 denotes a reception-side mail server, and reference numeral 56 denotes a reception-side client terminal. The mail servers 52 and 54 are connected by a network 53. Reference numeral 55 denotes a media information storage server such as WEB server, VOD server and the like, for storing media information such as voices, moving image and the like."

[0017] Next, a method for transmitting a mail created by the client terminal 51 is explained. An integrated mail 61 as shown in FIG. 7(a) and an attached mail 62 as shown in FIG. 7(b) are provided as the form of data when a mail transmitted from the mail server 52 is transmitted. In the integrated mail 61, text and media information such as still images, moving images, and voices are integrated into the mail body. In the attached mail 62, the moving images and voice data 62b are attached to the text and a still image 62a. In the attached mail 62, link information of the text, moving

images, and the voice data 62b are contained in the mail body.

[0018] These mails are temporarily transmitted from the transmission-side

mail server 52 to the reception-side mail server 54. When media information such as voices and moving images is compressed and transmitted, for example, international standard systems for compression coding such as MPEG1(ISO/IEC11172), H263(ITU-T), H261(ITU-T), and G722(ITU-T) can be used.

[0019] FIG. 8 is a flowchart showing creation processing and transmission processing of the mails. A step S1 inputs a destination and a title and like to a mail header portion 41 and writes a text to a text input portion 42 on the screen in FIG. 4. A step S2 determines whether the icon in FIG. 4 was selected. When this determination is affirmative, the processing proceeds to a step S3. The step S3 selects whether to create new media information by a camera 2, a microphone 3, or a creation program or whether to use the media information which is already stored. The media information is captured by a method according to this selection. A step S4 determines whether to check the captured media information. When this determination is affirmative, the processing proceeds to a step S5 which starts a reproduction program, thereby checking the captured media information. Next, the processing proceeds to a step S6 which determines whether to transmit a created mail. When this determination is affirmative, the processing proceeds to a step S7 which creates a mail header and the contents of the mail. A step S8 transmits the mail in the form shown in FIG. 7 (a) or FIG. 7 (b).

[0020] Next, the operations of the reception-side mail server 54, the media information storage server 55, and the client terminal 56 are explained. When the transmitted mail contains information for starting a program which sorts text and media information, the reception-side mail server 54 stores voices and moving images in the media information storage server 55 as another file. The WEB server and the VOD server can be used as the media information storage server 55. The reception-side mail server 54 also adds a storage location of the received mail, user information, and reproduction and deletion commands permissible only for the user, and creates icons for voices and moving images.

[0021] The mail server 54 can create the icons for voices and moving images using the following cut-point detection technique and a similar image searching technique: moving image search technique. The cut-point detection technique is disclosed in "Apparatus and method for detecting a cut-point image of a moving image" by Ujihara et al, and Information Processing Society of Japan 51st Meeting 6S-9 (1995),

Japanese Unexamined Patent Application Publication No. H7-263681, Japanese Unexamined Patent Application Publication No. H5-216895, or Japanese Unexamined Patent Application Publication No. H6-46561 and the like. The similar image searching technique is disclosed in "Apparatus and method for searching for similar images" by Nakajima et al, and a Preliminary Report (1994-06) by Study Group of The Institute of Image Electronics Engineers of Japan or Japanese Unexamined Patent Application Publication No. H7-77098 and the like. That is, for example, the mail server 54 can detect a cut-point image and a similar image and display them in order of time as an index image, which is an icon.

[0022] Next, the operation of the reception-side client terminal 56 is explained. When the user starts the system at the client terminal 56 to receive a mail, the user authentication screen in FIG. 2 is displayed as when transmission operation is performed. When the authentication is established, the screen in FIG. 3 is displayed. A list of received mails including information such as an indicator 31, sent date and time 32, a sender 33, and a title 34 is displayed on this screen. When the user selects a desired received mail from the list, the mail body in which voices and moving images and the like have been sorted is displayed from the reception-side mail server 54, for example, as in FIG. 9, and the like.

[0023] FIG. 9 is a display example when the reception-side mail server 54 performs a moving image search to automatically create icons serving as an index. Icons 71a to 71c of a plurality of moving images are listed on the screen as the index. 72 indicates text information, and 73 indicates a voice icon.

[0024] Displaying the plurality of icons enables the user to easily understand the contents of text and moving image data. This display also enables the user to understand finer nuance of the sender at the threshold of mail reception. When the user wants to see the moving image or voice displayed in a desired icon in detail, the user can reproduce the moving image data from the portion which the user really wants to reproduce by specifying the desired icon. For this reason, when reproducing the moving image, it becomes unnecessary to transfer a useless moving image to the client terminal 56, thereby making it possible to minimize the amount of data to be transferred. Consequently, it becomes unnecessary to apply a large load to a network connecting the reception-side server 54 and the reception-side client terminal 56.

[0025] Next, there will be explained the case where the user wants to delete a received mail as an unnecessary mail on the screen in FIG. 9. In this case, the user can simultaneously delete this mail and the voice and moving image data on the

reception-side mail server corresponding to the displayed icons by specifying deletion on a screen.

[0026] On the other hand, when the user further requests reproduction of a voice or moving image by selecting the appropriate icon, the reproduction program installed in the client terminal is further started. This start processing will display another reproduction screen and immediately starts the reproduction. Instead of this, reproduction may be immediately started using the icons in the figure as the reproduction screen as they are.

[0027] FIG. 10 is a flowchart showing the operations of the mail reception-side devices. A step S11 determines whether the start information of the program which sorts media information exists in the received mail of the reception-side mail server 54. When this determination is affirmative, the processing proceeds to a step S12 which sorts voices and moving images from the received mail data and stores the sorted data in the media information storage server 55. The reception-side mail server 54 adds and reproduces the storage location of the received mail and user information, adds a deletion command, and creates and links icons.

[0028] A step S13 determines whether the user requested mail reproduction. When this determination is affirmative, the processing proceeds to a step S14 which transfers the mail body containing the voice and moving image icons to the client terminal which displays the mail body. A step S15 determines whether the user further requested reproduction of the voices and moving images. That is, the step S15 determines whether the user specified a moving image icon. If this determination is affirmative, the processing proceeds to a step S16 which reproduces the voice or moving image corresponding to the specified icon.

[0029] A step S17 determines whether the user requested mail deletion. That is, the step S17 determines whether the deletion button was selected on the screen in FIG. 9. When this determination is affirmative, the processing proceeds to a step S13 which deletes the mail. When the determination in the step S11 is negative, the processing proceeds to the step S13. When the determination in the step S11 is negative, the processing proceeds to the step S13. When the determinations in the step S13 and the step S15 are negative, the processing proceeds to the step S17.

[0030] In the data reproduction method of the step S16, for example, moving images and voices can be immediately reproduced in real time using an RSVP protocol which is a band-securing type network protocol. In other data reproduction methods, data is transferred on TCP/IP, and when the user instructs reproduction of the moving image data at time t1 as shown in FIG. 11, simplified real-time

reproduction can be achieved by starting reproduction from a time point t2 at which a certain amount of data is accumulated in a reproduction buffer 8 in FIG. 8 even when it is difficult to surely secure a band. This reproduction system can reproduce the moving image data while transferring data without starting reproduction after temporarily downloading data to the reception-side client terminal. This achieves real-time reproduction. In the past, reproduction was started from time t3 at which all data were accumulated in the reproduction buffer 8, so the reproduction system of the present invention can shorten reproduction time by (t3-t2).

[0031] As shown in FIG. 9, when a plurality of moving image icons are displayed as an index of the moving image icon, the moving image is reproduced from the position of the user-selected icon, a file pointer in the server is calculated by the time code specified by the icon, and data are transferred from the pointer. The file pointer fp (bytes) can be calculated using the following formula:"

C. "[0035]

[Advantageous effect of the invention] As evident from the above description, according to the present invention, a multimedia mail transmission device includes program start information adding means for adding information for starting a program which sorts text and media information into a mail body, so the text and media information can be accumulated in the reception-side mail server as another file. This easily allows free and simple processing such as attaching an icon to the media information.

[0036] Also, according to the present invention, media information such as voices and moving images with a large amount of data is stored in the reception-side mail server as another file, and one or a plurality of icons serving as an index are attached to the media information, so the icons can be listed in the reception-side client terminal. This listing makes it easy for a user on the reception side to understand the contents of the icons. In addition, only text, still images, and icons with a small volume of data are integrated, and transmitted to the reception-side client terminal first, so mails can be promptly and efficiently transmitted to the reception-side client terminal. This makes it possible to reduce a network load.

[0037] In addition, according to the present invention, moving image data transfer only needs to transmit only an index screen to the client terminal at first, so the user can understand an outline of moving image data with a small amount of data transfer. Moreover, when the detailed contents of a moving image are requested through an index screen, moving image reproduction can be started from the index screen. This

makes it possible to achieve reduction in network load and real-time reproduction. In addition, this allows for reduction in mail read time.

[0038] The conventional systems, for example, required 110 seconds to read a mail containing 50K-byte text data and 500K-byte moving image data via a 5K-bytes/second line. However, the system of the present invention can read text data in about 10 seconds and reproduce moving images in real time".

Referring to a paragraphs [0001] and [0016], FIG. 6 in the Cited Document, the Cited Document is a multimedia mail transmission/reception system connecting the transmission-side mail server and the reception-side mail server by a network.

The method for operating the reception-side mail server is described in paragraphs [0027] to [0031] and FIG. 10 in the Cited Document. A multimedia mail of the Cited Document includes voices and moving images. It is obvious that the reception-side mail server stores the multimedia mail when receiving it.

Referring to a paragraphs [0027], [0036] and the like in the Cited Document, the reception-side mail server creates icons from the voices and moving images included in the multimedia mail, and replaces the voices and moving images with the icons.

A mail body including icons is transferred to the client terminal, and when the user specifies an icon, the voice and moving image corresponding to the icon are reproduced, so it can be said that the icons contain information for allowing searching for voices and moving images. Furthermore, a paragraph [0030] indicates that real-time reproduction is performed as a reproduction system. It is common general knowledge that when real-time reproduction is performed, information necessary for real-time reproduction is included in the mail body containing icons, so this information and the icons are collectively referred to as "information such as icons."

Therefore, given common general knowledge, it can be recognized that the following invention (hereinafter referred to as "Cited Invention") is disclosed:

"A method for operating a reception-side mail server in a system which transmits and receives multimedia mails over a network comprising:

receiving a multimedia mail to the reception-side client terminal;

storing the multimedia mail containing voices and moving images;

replacing the voices and moving images with information such as icons, the information such as icons including the information which allows real-time reproduction and searching for the voices and moving images by user specification; and

transferring the mail body including the information such as icons to the client terminal."

4. Comparison

By comparing the Invention with the Cited Invention, the following are recognized:

"Network" of the Cited Invention and "radio communication" of the invention are common in that they are "network."

"Multimedia mail" of the Cited Invention and "multimedia message" of the present invention are common in that they are "multimedia information."

Therefore, "reception-side mail server in a system which transmits and receives multimedia mails over a network" of the Cited Invention and "device which transmits multimedia messages via radio communication" of the Invention are common in that they are a "device which transmits multimedia information over a network".

"Reception-side client terminal" of the Cited Invention corresponds to "reception user agent" of the Invention."

Therefore, "multimedia mails transmitted to the reception-side terminal" of the Cited Invention and "first multimedia messages for the reception user agent" of the Invention are common in that they are "first multimedia information for the reception user agent."

It is common general knowledge that "real-time reproduction" means reproduction by "streaming."

Therefore, "voice and moving image" of the Cited Invention corresponds to "streamable media component" of theInvention.

"Real-time generation by user specification" of the Cited Invention substantially matches "starting the streaming session by the reception user agent" of the Invention.

"Information such as icons" of the Cited Invention and "session description file" of the Invention are common in that they are "prescribed information."

Therefore, "mail body including information such as icons" of the Cited Invention and "second multimedia message including the session description file" of the Invention are common in that they are "second multimedia information including prescribed information."

"Transmission to the reception-side client terminal" of the Cited Invention corresponds to "transmission to the reception user agent" of the Invention.

Therefore, the Invention and the Cited Invention match in:

"A method for operating a device which transmits multimedia information over a network includes:

receiving first multimedia information for the reception user agent;

storing the first multimedia information including a streamable media component;

replacing the streamable media component with prescribed information, the prescribed information including the information which allows the reception user agent to start the streaming session and search for the streamable media component; and

transmitting the second multimedia information including the prescribed information to the reception user agent," and differ in the following points:

[Different feature 1]

In the Invention, "network" is "radio communication" whereas it is not specified in the Cited Invention.

[Different feature 2]

In the Invention, "multimedia information" is "multimedia message" whereas it is "multimedia mail" in the Cited Invention.

[Different feature 3]

In the Invention, it is described that "When first multimedia information is received, the method responsively notifies the reception user agent that the first multimedia information can be used," whereas such description is not made in the Cited Invention.

[Different feature 4]

In the Invention, "prescribed information" is "session description file" whereas it is "information such as icons" in the Cited Invention.

5. Judgment on the body
[Different feature 1] and [Different feature 2]

Transmitting a multimedia message via radio communication is a well-known art as indicated in Internal Publication No. WO 99/66746, and Japanese Unexamined Patent Application Publication No. 2000-324174 and the like.

The Cited Invention transmits a multimedia mail which is one of multimedia information.　Any difficulty is not recognized in applying this to transmission of multimedia messages via radio communication, so a person skilled in the art could

adopt a configuration relating to the Difference features 1 and 2 as appropriate.

[Different feature 3]

Responsively notifying a user terminal that a mail can be used when received by a device such as a mail server is a well-known art as indicated in Japanese Unexamined Patent Application Publication No. 2000-13433, Japanese Unexamined Patent Application Publication No. H11-46195, Japanese Unexamined Patent Application Publication No. 63-292847, and the like.

A person skilled in the art could adopt a configuration relating to the difference feature 3 as appropriate by applying the well-known art when receiving a multimedia message.

[Different feature 4]

Transmitting information for starting a session described in a session description file when transmitting a streamable media component is a well-known art cited for reasons for refusal and as indicated at a left column of a page 434 in "Seiji Okumura, MPEG-4overRTP distribution system and QoS control system, multimedia, dispersion, cooperation and mobile (DICOMO2000) symposium collected papers Vol. 2000 No. 7, Information Processing Society of Japan, pages 433-438, Jun 28, 2000," and at a right column of a page 46 in "Ken Yoshimura, Mobile Multimedia Signal Processing Technique Special Edition, NTTDoCoMo Technical Journal Vol. 8 No. 4, Telecommunications Association, Pages 43-50, January 1, 2001."

It should be said that the "prescribed information" is information for starting a stream session, so the person skilled in the art could easily configure "prescribed information" as "session description file" described in a session description protocol or the like in view of the well-known art.

In addition, a person skilled in the art can predict a working effect of the present invention from the Cited Invention and the well-known art.

6. Conclusion

As described above, the present invention could be easily made by a person skilled in the art based on the Cited Invention and the well-known arts, and the appellant should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act.

Therefore, the appeal decision shall be made as described in the conclusion.

June 26, 2012

Chief administrative judge: TAKEI, Fumio
    Administrative judge: TOYAMA, Takahiko
    Administrative judge: HAGIWARA, Yoshinori