

EXHIBIT 1015

Customer No. 035884

Attorney Docket No. 2080-3507

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jong Wook Lee

Serial No: 11/401,798

Filed: April 10, 2006

FOR: AUDIO AND VIDEO SYNCHRONIZING
APPARATUS AND METHOD

Art Unit: 2622

Examiner: DESIR, Jean Wicel

Conf. No.: 6246

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the Office Action dated January 6, 2010, in connection with the above-identified application, the response to which is due April 6, 2010. It is believed that no fee is due in connection with this paper. Please charge any fees and credit any overpayment to our deposit account No. 502290. Please enter and consider the following amendments and remarks:

IN THE DRAWINGS:

A substitute drawing sheet is enclosed for FIG. 3 to replace the drawing sheet submitted in the previous response on October 13, 2009 to the Office Action issued September 3, 2009, that drawing sheet inadvertently adding the label “Related Art” to FIG. 3. No new matter has been added. Specifically, the following amendments have been made:

“Related Art” has been deleted from FIG. 3.

IN THE CLAIMS:

No claims are amend. The pending claims are as follows:

1. (Original) An audio and video synchronizing apparatus comprising:
a video signal processing unit processing a video signal outputted to a display device of a video processing equipment;
an audio signal processing unit outputting an audio signal, the audio signal outputted to an audio device of the video processing equipment and synchronized with the video signal;
a switching unit selecting paths for video signal and audio signal respectively inputted to the video signal processor and the audio signal processor, and paths for video and/or audio signals outputted to an external device;
an outputting unit outputting the audio and/or video signal selected by the switch;
and
an output selecting unit controlling the switching unit according to a kind of the external device connected to the outputting unit, and thus selectively outputting the audio and/or video signal to the external device.
2. (Original) The apparatus according to claim 1, further comprising a detector detecting a kind of the external device connected to the outputting unit.
3. (Previously presented) The apparatus according to claim 1, wherein the kind of the external device connected to the outputting unit is detected to determine whether the external device is an audio/video device or an audio device.
4. (Original) The apparatus according to claim 1, wherein when it is determined that the external device connected to the outputting unit is an audio device, the switching unit selects an audio signal synchronized with a video signal outputted to the display device of the video processing equipment.

5. (Previously presented) The apparatus according to claim 1, wherein the kind of the external device connected to the outputting unit is determined according to whether or not the external device is connected to a video output port and/or an audio output port.

6. (Original) An audio and video synchronizing apparatus comprising:
a video signal processing unit processing a video signal outputted to a display device of a video processing equipment;
an audio signal processing unit outputting an audio signal, the audio signal outputted to an audio device of the video processing equipment and synchronized with the video signal; and
an output selecting unit selecting an audio signal synchronized with the video signal and outputting the audio signal to an external device.

7. (Original) An audio and video synchronizing apparatus comprising:
a video signal processing unit processing a video signal outputted to a display device of a video processing equipment;
an audio signal processing unit outputting an audio signal synchronized with the video signal; and
an audio output selecting unit selecting an audio signal synchronized with the video signal, and outputting the audio signal to an external device.

8. (Original) An audio and video synchronizing apparatus comprising:
a video signal processing unit processing a video signal outputted to a display device of a video processing equipment;
an audio signal processor outputting an audio signal, the audio signal outputted to an audio device of the video processing equipment and synchronized with the video signal;
an outputting unit outputting the audio and/or video signal to an external device;
and
an output selecting unit selectively outputting the audio and/or video signal to the

external device according to a kind of the external device connected to the outputting unit.

9. (Original) An audio and video synchronizing apparatus comprising:
a video signal processing unit processing a video signal outputted to a display device of a video processing equipment;
an audio signal processing unit outputting an audio signal, the audio signal outputted to an audio device of the video processing equipment and synchronized with the video signal;
an outputting unit outputting the audio and/or video signal to an external device;
a detecting unit detecting a kind of the external device connected to the outputting unit; and
an output selecting unit selecting an audio signal synchronized with the video signal when it is detected that the external device is an audio device, and transmitting the audio signal to the external audio device through the outputting unit.

10. (Original) A method of controlling audio and video output comprising:
determining a kind of an external device connected to an output port of a video processing equipment; and
selecting an audio signal synchronized with a video signal outputted to a display device of the video processing equipment according to a result of the determination, and outputting the audio signal to the external device.

11. (Original) The method according to claim 10, wherein the operation of determining the kind of the external device determined whether or not the external device connected to the output port is an audio device.

12. (Original) The method according to claim 10, further comprising selecting an audio signal outputted to a speaker of the video processing equipment and synchronized with the video signal, and outputting the audio signal to the external device.

13. (Original) The method according to claim 10, wherein the operation of selecting the audio signal synchronized with the video signal and outputting the audio signal to the external device is performed automatically according to a result of the determination of the kind of the external device.

14. (Original) The method according to claim 10, wherein the operation of selecting the audio signal synchronized with the video signal and outputting the audio signal to the external device is performed by user's output mode setting.

15. (Original) The method according to claim 10, wherein the audio signal synchronized with the video signal is an audio signal delayed corresponding to a video signal processing path.

16. (Original) A method of controlling audio and video output comprising:
selecting an external device output mode of a video processing equipment; and
selecting an audio signal synchronized with a video signal outputted to a display device of the video processing equipment when the selected output mode is for an external audio device, and outputting the audio signal to the external audio device.

17. (Original) The method according to claim 16, further comprising selecting an audio signal outputted to a speaker of the video processing equipment and synchronized with the video signal, and outputting the audio signal to the external device.

18. (Original) The method according to claim 16, wherein the audio signal synchronized with the video signal is an audio signal delayed corresponding to a video signal processing path.

REMARKS

Applicant has studied the Office Action dated January 6, 2010. Claims 1-18 are pending. No claims have been amended. Claims 1, 6-10 and 16 are independent claims.

It is submitted that the application is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to Drawings

With this paper, amended Figure 3 has been submitted that has the label "Related Art" removed. It is respectfully submitted that the previous response submitted on October 13, 2009 to the Office Action issued September 3, 2009 inadvertently added the label "Related Art" to FIG. 3.

It is noted that the application as originally filed indicated at paragraph 0026 that "Fig. 3 illustrates the configuration of an audio and video signal processing unit 40 of a digital TV, a video processing equipment employing the present invention." It is further noted that the only references to "FIG. 3" in the application as originally filed are in the section labeled "SETIAILED DESCRIPTION OF THE INVENTION" and that the only figures referred to in the section labeled "Description of the Related Art" Are FIGS. 1 and 2. Therefore it is respectfully asserted that "FIG. 3" is not "Related Art" or "Prior Art."

§ 102 Rejections

Claims 6 and 7 were rejected under 35 U.S.C. § 102(a) as being anticipated by the Applicant Admitted Prior Art (AAPA). Applicant respectfully traverses the rejection.

It is noted that the Examiner, at page 2 of the Office Action, bases his entire rejection of independent claims 6 and 7 on the disclosure in "FIG. 3" of the AAPA. It is further noted that "FIG. 3" of the AAPA was inadvertently labeled as "Related Art" but has been re-labeled as not being "Related Art" with this paper. Therefore, it is respectfully submitted that "FIG. 3" is not part of the AAPA and, therefore, the Examiner has actually based his rejection on the actual disclosure of the present invention to

which independent claims 6 and 7 are properly directed and it is respectfully requested that the rejection be withdrawn.

§ 103 Rejections

Claims 1-5 and 8-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Maehara et al. (“Maehara” U.S. Pub. No. 2005/0147129). This rejection is respectfully traversed.

It is noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

“In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. ‘A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.’ If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned.” (citations omitted.)

It is noted that the Examiner, at pages 3-5 of the Office Action, bases his rejections of independent claims 1, 8-10 and 16 primarily on “FIG. 3” of the AAPA, with Maehara asserted only with respect to the recitation of “according to a kind of the external device.” As previously respectfully submitted, “FIG. 3” is not “Related Art” or part of the AAPA. It is further respectfully submitted that Maehara fails to disclose the limitations that “FIG. 3” has been cited as disclosing.

Therefore, it is respectfully asserted that independent claims 1, 8-10 and 16 are allowable over the asserted combination of references. It is further respectfully asserted that claims 2-5, 11-15, 17 and 18 also are allowable over the cited combination of references at least by virtue of their dependence from an allowable independent claim.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1-18 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

LEE, HONG, DEGERMAN, KANG & WAIMEY

Date: April 5, 2010

By: /Richard C. Salfelder/
Richard C. Salfelder
Registration No. 51,127
Attorney for Applicant(s)

Customer No. 035884

Enclosure: Substitute FIG. 3