

EXHIBIT 1016



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11/401,798	04/10/2006	Jong Wook Lee	2080-3507	6246
35884 7590 07/12/2010 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017			EXAMINER DESIR, JEAN WICEL	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 07/12/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. 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 –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 6, 7 are rejected under 35 U.S.C. 102(a) as being anticipated by the Applicant Admitted Prior Art or Related Art (AAPA) Fig. 3.

Claim 6:

The AAPA Fig. 3 discloses:

An audio and video synchronizing apparatus (see Fig. 3) comprising:

“a video signal processing unit processing a video signal outputted to a display device of a video processing equipment”, see Fig. 3 items 42, 43, 44;

“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”, see Fig. 3 items 45, 46, paragraph [0031];

“and an output selecting unit selecting an audio signal synchronized with the video signal and outputting the audio signal to an external device”, see Fig. 3 items 41, 45, 46.

Claim 7 is rejected for the same reasons as claim 6.

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant Admitted Prior Art or Related Art (AAPA) Fig. 3 in view of Maehara et al (US 2005/0147129).

Claim 1:

The AAPA Fig. 3 discloses:

An audio and video synchronizing apparatus (see Fig. 3) comprising:

“a video signal processing unit processing a video signal outputted to a display device of a video processing equipment”, see Fig. 3 items 42, 43, 44;

“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”, see Fig. 3 items 45, 46, paragraph [0031];

“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”, see Fig. 3 item 41;

“an outputting unit outputting the audio and/or video signal selected by the switch”, see Fig. 3 items 44, 46, MONITOR OUTPUT ;

“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”, see Fig. 3 item 41, paragraph [0037];

the difference between the claimed invention and the AAPA Fig. 3 is that the AAPA does not explicitly teach “according to a kind of the external device” as claimed. However, the reference to Maehara shows the structure of the claimed invention is a notoriously well known technique in the art, as evidence see Maehara at paragraphs [0009], [0047], and [0050], where Maehara teaches detecting and/or recognizing a kind of the external device. Hence, because of these teachings, an artisan would be motivated to combine the references to arrive at the claimed invention; and synchronization between audio and video signal would be advantageously obtained. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 2 is disclosed in view of the above combination, as pointed out above Maehara detects a kind of the external device.

Claims 3-5 are disclosed in view of the above combination, see again Maehara at paragraphs [0009], [0047], [0050], and the AAPA Fig. 3, paragraph [0031].

Claim 8 is rejected for the same reasons as claim 1.

Claim 9 is rejected for the same reasons as claims 1, 4.

Claim 10 is rejected for the same reasons as claim 9.

Claim 11 is disclosed, see Maehara at paragraphs [0009], [0047], [0050], and the AAPA Fig. 3.

Claims 12, 13 are disclosed, see the AAPA Fig. 3, and Maehara at paragraphs [0009], [0047].

Claim 14 is disclosed, see the AAPA Fig. 3 item 41, and Maehara at paragraphs [0009], [0047].

Claim 15 is disclosed, see the AAPA Fig. 3 item 41, page 16 lines 1-9.

Claim 16 is rejected for the same reasons as claim 10.

Claim 17 is disclosed, see the AAPA Fig. 3 item 41.

Claim 18 is disclosed, see the AAPA Fig. 3 item 41, page 16 lines 1-9.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive.

The Applicant argues on pages 7 and 8 of the REMARKS that -it is respectfully requested that the rejections (102 and 103 rejections) be withdrawn- because -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 "DETAILED 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."- These arguments are not persuasive for the following reasons:

In the Response filed on 10/13/09, the Applicant clearly stated that -The Examiner objected to the drawings. Specifically, the Examiner asserted that Figures 1-3 should be designated with a legend such as "Prior Art." With this paper, **amended Figures 1-3 have been submitted that are labeled as "Related Art."** It is respectfully submitted that the grounds for objection have been overcome and it is respectfully requested that the Examiner withdraw the objection.- Thus, the Applicant has labeled Figures 1-3 "Related Art" not accidentally, but because Figures 1-3 were objected to for only that which old is illustrated (see the Office Action mailed on 9/3/09). And the objection to the drawing of Figures 1-3 that have been labeled "Related Art" has been withdrawn; and Fig. 3 (Related Art or Prior Art) has been used in the Office Action mailed on 1/6/10 because Fig. 3 labeled "Related Art" by the Applicant illustrates only that which is old or known to one ordinary skill in the art; paragraphs [0038]-[0040] of the specification clearly describe the problems caused by the Related Art or Prior Art Fig. 3 that the Applicant tries to solve through Figs. 4 and/or 5; see paragraphs [0041]-[0042] where the Applicant clearly describes Fig. 4, which shows the improvement from the Related Art Fig. 3, according to an embodiment of the present invention; nowhere in the specification Fig. 3 has been described according to an embodiment of the present invention. Paragraph [0026] recites "Fig. 3, a video processing equipment **employing** the present invention"; that does not mean Fig. 3 is not "Related Art" or "Prior Art" are argued by the Applicant, the Applicant **uses** the Related Art Fig. 3 to come with an improvement which clearly shows in Fig. 4. And the Applicant should also note that because a device is described in the "DETAILED DESCRIPTION OF THE

INVENTION", it does not necessarily mean that the device is not generally known to one skill in the art. **Thus, Fig. 3 is "Related Art" or "Prior Art" as amended by the Applicant in the amendment filed on 10/13/09.** The Applicant arguments are not persuasive the rejections are maintained before the Office.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. 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).

JWD
6-23-10

/David L. Ometz/
Supervisory Patent Examiner, Art Unit 2622