EXHIBIT 1017

Customer No. 035884 Attorney Docket No. 2080-3507

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jong Wook Lee	Art Unit: 2622
Serial No: 11/401,798	Examiner: DESIR, Jean Wicel
Filed: April 10, 2006	Conf. No.: 6246
FOR: AUDIO AND VIDEO SYNCHRONIZING APPARATUS AND METHOD	

AMENDMENT IN RESPONSE TO AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

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

Dear Sir:

This paper is in response to the Final Office Action dated July 12, 2010, in connection with the above-identified application, the response to which is due October 12, 2010. It is believed that no fee is due in connection with this paper. This paper is submitted with a Request for Continued Examination (RCE) and the corresponding fee. Please charge any fees and credit any overpayment to our deposit account No. 502290. Please enter and consider the following amendments and remarks:

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IN THE CLAIMS:

Please amend claims 1-11, 16 and 17 as follows:

1. (Currently amended) An audio and video synchronizing apparatus comprising:

a video signal processing unit processing a video signal ~~outputted~~ output to a display device of ~~a~~ video processing equipment;

an audio signal processing unit outputting an audio signal, the audio signal ~~outputted~~ output to an audio device of the video processing equipment and synchronized with the video signal;

a switching unit selecting paths for the video signal ~~and audio signal respectively inputted~~ input to the video signal processing unit ~~processor~~ and audio signal input to the audio signal processing unit~~processor~~, and ~~paths for~~ selecting at least a video ~~and/or~~or audio ~~signals outputted~~ signal output to an external device that is not part of the video processing equipment;

an outputting unit outputting at least the audio ~~and/or~~or video signal selected by the ~~switch~~switching unit; 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 at least the audio ~~and/or~~or video signal to the external device,

wherein the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously.

2. (Currently amended) The apparatus according to claim 1, further comprising a detector detecting ~~a~~ the kind of the external device connected to the outputting unit.

3. (Currently amended) 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~~either ~~is~~ an audio/video device or an audio device.

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4. (Currently amended) The apparatus according to claim 3 ~~1~~, wherein when it is determined that the external device connected to the outputting unit is ~~an~~ the audio device, the switching unit ~~selects an~~is controlled to select the audio signal that is synchronized with ~~a~~ the video signal ~~outputted~~ output to the display device of the video processing equipment.

5. (Currently amended) 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~~or an audio output port.

6. (Currently amended) An audio and video synchronizing apparatus comprising:

a video signal processing unit processing a video signal ~~outputted~~ output to a display device of ~~a~~ video processing equipment;

an audio signal processing unit outputting an audio signal, the audio signal ~~outputted~~ output to an audio device of the video processing equipment and synchronized with the video signal; and

an output selecting unit selecting ~~an~~ the audio signal that is synchronized with the video signal and outputting the audio signal to an external device that is not part of the video processing equipment,

wherein the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously.

7. (Currently amended) An audio and video synchronizing apparatus comprising:

a video signal processing unit processing a video signal ~~outputted~~ output to a display device of ~~a~~ video processing equipment;

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an audio signal processing unit outputting ~~an~~ the audio signal that is synchronized with the video signal; and

an audio output selecting unit selecting an audio signal that is synchronized with the video signal~~,~~ and outputting the audio signal to an external device that is not part of the video processing equipment,

wherein the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously.

8. (Currently amended) An audio and video synchronizing apparatus comprising:

a video signal processing unit processing a video signal ~~outputted~~ output to a display device of ~~a~~ video processing equipment;

an audio signal processor outputting an audio signal, the audio signal ~~outputted~~ output to an audio device of the video processing equipment and synchronized with the video signal;

an outputting unit outputting at least the audio ~~and/or~~or video signal to an external device that is not part of the video processing equipment; and

an output selecting unit selectively outputting at least the audio ~~and/or~~or video signal to the external device according to a kind of the external device connected to the outputting unit,

wherein the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously.

9. (Currently amended) An audio and video synchronizing apparatus comprising:

a video signal processing unit processing a video signal ~~outputted~~ output to a display device of ~~a~~ video processing equipment;

an audio signal processing unit outputting an audio signal, the audio signal ~~outputted~~ output to an audio device of the video processing equipment and

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synchronized with the video signal;

an outputting unit outputting at least the audio ~~and/or~~or video signal to an external device that is not part of the video processing equipment;

a detecting unit detecting a kind of the external device connected to the outputting unit; and

an output selecting unit selecting ~~an~~ the audio signal that is 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,

wherein the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously.

10. (Currently amended) 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 that is synchronized with a video signal ~~outputted~~ output 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 that is not part of the video processing equipment,

wherein the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously.

11. (Currently amended) The method according to claim 10, ~~wherein the operation of~~ determining the kind of the external device ~~determined~~ comprises determining 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

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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. (Currently amended) 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~~ output 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 that is not part of the video processing equipment,

wherein the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external audio device simultaneously.

17. (Currently amended) The method according to claim 16, further comprising:

selecting an audio signal ~~outputted~~ output to a speaker of the video processing

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equipment and synchronized with the video signal~~,~~; and

outputting the audio signal to the external audio 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.

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REMARKS

Applicant has studied the Office Action dated July 12, 2010. Claims 1-18 are pending. Claims 1-11, 16 and 17 have been amended. Claims 1, 6-10 and 16 are independent claims. No new matter has been added as the amendments have support in the specification as originally filed.

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

Amendments to the Claims

Claims 2-5, 11 and 17 have been amended to correct grammatical errors or to more clearly disclose the invention. It is respectfully submitted that the amendments have support in the application as originally filed and are not related to patentability.

§ 102 Rejections

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

It is noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

As was previously noted in the response submitted on April 5, 2010 to the Office Action issued January 6, 2010, the Examiner, at page 2 of the Final Office Action, bases his entire rejection of independent claims 6 and 7 on the disclosure in "FIG. 3" and the related disclosure of the AAPA. As was further previously submitted in the response submitted on April 5, 2010, "FIG. 3" of the AAPA was inadvertently labeled as "Related Art" but was re-labeled as not being "Related Art" and it is again respectfully submitted that "FIG. 3" is not part of the AAPA and, therefore, the Examiner has actually

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based his rejection on the 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.

It is noted that the Examiner, in the Response to Arguments on pages 5-7 of the Final Office Action, asserts that the Applicant's prior inadvertent labeling of "FIG. 3" as "Related Art" in the response submitted on October 13, 2009 was not accidental and again asserts that "FIG. 3" is "Prior Art" or "Related Art." It is further noted that the Examiner further asserts that "paragraphs [0038]-[0040] of the specification clearly describe the problems cause[d] 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 [has Fig. 3] 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 in not 'Related Art' or 'Prior Art' [as] argued by the Applicant, the Applicant **uses** the Related Art Fig. 3 to come [up] with an improvement which clearly shows in Fig. 4." (emphasis in original).

Applicant respectfully questions the basis for the Examiner's statement, at page 6 of the Final Office Action, that "the Applicant has labeled Figures 1-3 'Related Art' not accidentally, but because Figures 1-3 were objected to for only that which is illustrated (see the Office Action mailed on 9/3/09)." Applicant respectfully directs the Examiner's attention to the response submitted on April 5, 2010 to the Office Action mailed on January 6, 2010, specifically the remarks on page 7 that are reproduced for the Examiner's convenience:

> *With this paper, amended Figure 3 has been submitted that has the label "Related Art" removed. It is respectfully submitted that he 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*

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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."

It is noted that the Examiner appears to be asserting that the Applicant has in some way attempted to deceive the Examiner in the response submitted on April 5, 2010. It is further noted that the application as originally filed did **not** label "FIG. 3" as "Prior Art" or "Related Art" and the inadvertent labeling of "FIG. 3" as "Related Art" occurred in response to the Examiner's objection to the drawings in the Office Action issued September 3, 2009 and "FIG. 3" was **not** labeled as "Related Art" voluntarily.

It is respectfully submitted that the Applicant, when drafting the patent application, is free to determine which disclosure is believed to be "Prior Art" or "Related Art" and which disclosure relates to the Applicant's invention. It is further respectfully submitted that very disclosure that the Examiner has cited at paragraph [0026] of the application as originally filed is "a video processing equipment **employing** the present invention" and the use of the word "employing" clearly indicates that FIG. 3 is directed to incorporating the present invention. Moreover, it is respectfully submitted that the Examiner has not provided any reference to support his assertion that the disclosure in "FIG. 3" is "Prior Art" or "Related Art" other than the Applicant's own disclosure and that, if "FIG. 3" were truly representative of "Prior Art" or "Related Art," the Examiner would be able to provide such a "Prior Art" reference other than the Applicant's own disclosure.

Notwithstanding that Applicant maintains the assertion that the Examiner has improperly based his rejection of independent claims 6 and 7 on the Applicant's disclosure of the invention, independent claims 6 and 7 have been amended with this paper to further prosecution and to better disclose the invention by reciting an output selecting unit selecting the audio signal that is synchronized with the video signal and outputting the audio signal to an external device that is not part of the video processing equipment and the video signal is output to the display device of the video processing

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equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously. It is respectfully submitted that support for the amendments may be found in the application as originally filed at at least paragraphs [0044]-[0050] and FIG. 4. It is further respectfully submitted the AAPA, and specifically FIG. 3 cited by the Examiner, fails to disclose this limitation. Therefore, it is respectfully asserted that independent claims 6 and 7 are allowable over the cited reference.

§ 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). Applicant respectfully disagrees with the Examiner's interpretation of the AAPA and traverses the rejections.

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 Final Office Action, asserts that the AAPA discloses both the "outputting unit" and "output selecting unit" as recited in independent claims 1, 8-10 and 16. As previously respectfully submitted, "FIG. 3" is not "Related Art" or part of the AAPA.

Notwithstanding that Applicant maintains the assertion that the Examiner has improperly based his rejection of independent claims 1, 8-10 and 16 on the Applicant's disclosure of the invention, independent claims 1, 8-10 and 16 have been amended with this paper to recite limitations similar to those of independent claims 6 and 7, specifically

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outputting at least the audio or video signal to an external device that is not part of the video processing equipment and the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously. As previously respectfully submitted, the AAPA fails to disclose these limitations. It is further respectfully submitted that Maehara fails to cure the deficiency of the AAPA with regard to outputting at least the audio or video signal to an external device that is not part of the video processing equipment and the video signal is output to the display device of the video processing equipment and the audio signal that is synchronized with the video signal is output to the external device simultaneously.

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.

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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.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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: October 11, 2010

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