

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)**

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2017/051209

International filing date (day/month/year)
12.09.2017

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
INV. H04N21/485 H04N21/439 H04N21/81 H04N21/84 H04N21/845 H04N21/45 H04N21/4545

Applicant
ROVI GUIDES, INC

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:



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Date of completion of this opinion

see form
PCT/ISA/210

Authorized Officer

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-51</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-51</u>
Industrial applicability (IA)	Yes: Claims	<u>1-51</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1 US 2014/240595 A1 (DINUNZIO JAMES [US]) 28 August 2014
(2014-08-28)

The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claims 1-51 does not involve an inventive step.

D1 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses:

"determining that a user is playing back a segment of a plurality of segments of a media asset;

determining a type corresponding to the segment;" (see D1 figure 7 block 730 "Determine Subject Matter of Media Asset Currently Being Displayed")

"parsing ... media asset that are playing back during the segment;

determining, ... to adjust a respective volume playing back during the segment based on the type; and" (see D1 figure 6 "<TYPE>")

... , in response to determining to adjust the respective volume, adjusting the respective volume of the audio component playing back during the segment." (see D1 paragraph [0042])

The subject-matter of claim 1 therefore differs from this known method in that D1 does not explicitly disclose the following feature:

"...a plurality of audio components..."

This feature however does not appear to render the subject-matter defined inventive since it refers to a specific audio stream structure (composed by audio components/objects) that is already known in the field of audio coding. It would thus be considered by the person skilled in the art when implementing the method in D1 for the case in which the audio content is of such type (while D1 discloses the case of a single main audio the case for individual audio objects is an obvious modification, for both method the content/segment type is considered to optimize the volume adjustment).

As a conclusion the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT).

The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 2, 12, 22, 42, which therefore are also considered not inventive.

Dependent claims 3-11, 13-21, 23-41, 43-51 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step. (see document D1 and further citations in the International Search Report).

Re Item VIII

Certain observations on the international application

Although claims 1, 2, 42 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT. In particular all the claims 1, 2, 42 appear to be directed to define the same method for adjusting volumes of individual audio components.

Although claims 12, 22 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT. In particular both claims 12, 22 appear to be directed to define the same system for adjusting volumes of individual audio components.