

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TINKU ACHARYA

Appeal No. 2001-0924
Application No. 08/885,415

ON BRIEF

Before THOMAS, HAIRSTON, and KRASS, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's final rejection of claims 1, 2 and 5 through 13, appellant having cancelled claims 3 and 4.

Representative claim 1 is reproduced below:

1. An image compression apparatus comprising:

a first look-up table configured to provide a quantized code upon being indexed by a single address;

a second look-up table configured to provide the length of said code upon being indexed by said single address; and

a predictive coding circuit coupled to said first look-up table and to said second look-up table, said predictive coding circuit generating said single address;

a difference circuit, said difference circuit configured to generate said single address by difference said input pixel value and a predicted pixel value; and

a third look-up table coupled to said difference circuit, said third look-up indexed by said single address to provide an inverse quantized code to said predictive coding circuit.

The following references are relied on by the examiner:

Gonzales et al. (Gonzales)	4,725,885	Feb. 16, 1988
Barrett	5,341,442	Aug. 23, 1994

Claims 1, 2, 5, 6 and 9 through 13 stand rejected under 35 U.S.C. § 103 as being obvious over Barrett alone. As to claims 7 and 8, the examiner rejects these claims on the basis of Barrett in view of Gonzales.

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Rather than repeat the positions of the appellant and the examiner, reference is made to the brief and reply brief for appellant's positions and to the final rejection and answer for the examiner's positions.

OPINION

We reverse both stated rejections.

Each of independent claims 1, 9 and 11 on appeal recites in some manner the use of a look-up table to provide an inverse quantized code. The absence of this feature in Barrett is the principal argument of appellant across these three independent claims as set forth in the brief and reply brief. It is on this basis that we reverse the rejection of each of the claims on appeal.

Even if we were to agree with the examiner's position that the artisan would have in effect viewed the single table look-up element 66 in Fig. 7 of Barrett as comprising the three recited look-up tables in independent claims 1 and 9 on appeal and the plural tables recited in independent claim 11 on appeal because three separate outputs are provided, we must still reverse the rejection of each of these independent claims on appeal because we do not agree with the examiner's assertion that the quantized

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predictor error 73 outputted from look-up table 66 in Fig. 7 in conjunction with the predictor error 69 and the respective showing in Fig. 8 in effect comprise something the same as the claimed inverse quantized code.

According to the teachings of Fig. 1 at the bottom of column 7 and the bulk of the corresponding teachings of Figs. 7 and 8 at column 8 of Barrett, we do not agree with the examiner's views that the claimed inverse quantized code would have been seen by the artisan as effectively taught or suggested at this location of Barrett. In fact, from our study of Barrett, we agree with appellant's views expressed at page 8 of the principal brief on appeal that Barrett does not even mention or suggest using an inverse quantized code. Correspondingly, we are unpersuaded by the examiner's views of equivalence expressed at pages 4 through 7 of the responsive arguments portion of the answer. As explained in the paragraph bridging pages 7 and 8 of the specification as filed and in the whole paragraph at the middle of page 8, appellant utilizes an inverse quantized code instead of a quantized value since the inverse quantized code facilitates data compression. Beyond the examiner's arguments noted earlier,

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there is no additional evidence provided to us in the form of additional applied prior art which would have supported the arguments at pages 4 through 7 of the answer or independently provided a basis of choice between the use of an inverse quantized code as opposed to a pure quantized code in the art.

In order for us to sustain the examiner's rejection under 35 U.S.C. § 103, we would need to resort to speculation or unfounded assumptions to supply deficiencies in the factual basis of the rejections. In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968), reh'g denied, 390 U.S. 1000 (1968). This we decline to do.

Because we reverse the rejection of independent claims 1, 9 and 11 on appeal, we also reverse the rejection of their respective dependent claims as well. As to the separate rejection of dependent claims 7 and 8 under 35 U.S.C. § 103, we agree with appellant's assertion at the top of page 10 of the principal brief on appeal as well as the corresponding statement made at page 4 of the reply brief that Gonzales does not cure the noted deficiencies of Barrett. Therefore, we reverse the separately stated rejection of claims 7 and 8 on appeal.

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Accordingly, the decision of the examiner rejecting claims
1, 2 and 5 through 13 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
KENNETH W. HAIRSTON)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
ERROL A. KRASS)	
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