

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JONATHAN MARK GREENWOOD and MARK JOHN MCGRATH

Appeal No. 2001-1930
Application No. 08/833,719

ON BRIEF

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

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-3 and 5-7, claim 4 having been canceled.

According to appellants (brief at pages 3 and 4), the present invention relates to an editing apparatus for editing

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the source material to be edited. The control logic is further provided for defining an output or "virtual" file on the storage medium for each edited material sequence. Each output file contains addressing information defining a sequence of storage locations on the storage medium of data within the source file representing the clips of source material forming the edited material sequence. In addition, a routing table or "map" is stored on the storage medium. This table has a plurality of entries defining a linked list of storage locations on the storage medium used for storing the source files. The routing table facilitates replay of the edited material sequence of clips in both forward and reverse directions. The following claim further illustrates the invention.

1. Editing apparatus for editing source video and/or audio material stored on a storage medium to generate an edited material sequence of clips from said source material, said apparatus comprising:

(i) control logic for defining source files on said storage medium containing data representing said source material to be edited; and

(ii) control logic for defining an output file on said storage medium for each edited material sequence, each output

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linked list of storage locations on said storage medium used for storing the source files, said routing table facilitating replay of said edited material sequence of clips in both forward and reverse directions.

The examiner relies on the following references:

Rayner	5,388,197	Feb. 7, 1995
Norton et al. (Norton)	5,568,275	Oct. 22, 1996
		(filed Jun. 26, 1995)

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Norton in view of Rayner.

Rather than repeat the arguments of appellants and the examiner, we make reference to the brief (Paper No. 13), the reply brief (Paper No. 16) and the examiner's answer (Paper No. 14) for the respective details thereof.

OPINION

We have considered the rejection advanced by the examiner and the supporting arguments. We have, likewise, reviewed the appellants' arguments set forth in the briefs.

We affirm.

As a general proposition, in an appeal involving a rejection under 35 U.S.C. § 103, an Examiner is under a burden to make out

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the relative persuasiveness of the arguments. See In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976).

At the outset, we note that appellants have elected to have claims 1-3 and 5-7 (i.e., the claims on appeal) to be grouped together (brief at page 4). We take claim 1 as representative of the group.

Following the guidelines of a rejection under 35 U.S.C. § 103 enunciated above, the examiner gives a detailed explanation of the rejection of claim 1 at pages 3-6 of the examiner's answer, wherein the examiner concludes (id. at page 6) that:

it would have been obvious . . . to modify Norton et al. by incorporating a control for performing playback in the forward and reverse directions as taught by Rayner in order to provide a means to preview the edited source material with respect to a play list in the forward as well as reverse directions as taught by Rayner

Appellants discuss the Norton reference and the Rayner

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output file and the routing table can possibly be the same file. Indeed, it should be unmistakably clear from the specification that the output file is one file, such as that shown in FIG. 8, and the routing table (map) is a separate and distinct entity, such as that depicted in FIG. 9.

The examiner responds (answer at page 11) that:

it is noted that the features upon which applicant relies (i.e., "that the output file and the routing table are separate and distinct files") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

We agree with the examiner's position in that claim 1 does not recite that there are separate and distinct files for the output file and the routing table and that Norton does disclose on its storage medium an output file for the edited material sequence (Fig. 2 each line/row of the EDL), the output file comprising addressing (time codes) information defining a sequence (start and ending time codes source and destination) of storage locations on the storage medium, which addressing information serves as a routing table (answer at page 4).

Appellant further argues (brief at page 7) that "[a]t best,

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. . . Norton et al. discloses forward reproduction and further provides scrolling at col. [sic] col. 5, lines 22-30. The disclosed "scrolling" feature is a clear suggestion to one skilled in the recording - reproduction art, to indicate both forward as well as reverse reproduction directions. Never the less [sic, Nevertheless], Norton et al. has not been relied upon to clearly show the "reverse" reproduction direction feature.

We again agree with the examiner's position. First of all, Rayner, not Norton, has been used for the teaching of operating the apparatus to reproduce the edited material in the forward and the reverse directions. Secondly, as the examiner has pointed out, the indication of having a scroll feature in Norton would have suggested to an artisan in the recording and reproduction arts that the apparatus disclosed by Norton was operable in the forward as well as the reverse direction.

Appellants further argue (brief at page 7) that "there is nothing in the Rayner reference that implies the Edit List defines a *linked list of storage locations* on a storage medium used for storing the source files. As such, the Rayner EDL lacks two key aspects of Appellants' claimed routing table." However, we note that the examiner does not rely on the Rayner reference

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modified to play the edited material in the forward as well as in the reverse direction.

Appellants further argue in their reply brief (pages 2-6) that the Norton reference only stores the edited material and not the source material as recited in claim 1. Thus, appellants argue (id. at page 6) that "[t]he output file refers to the edited material whilst the routing table refers to the unedited material stored on the storage medium. By contrast, the Norton et al. EDL only refers to the edited material, and thus Norton et al. do not disclose or suggest the claimed routing table."

We note that this is a new argument and was not presented in the brief. Therefore, the examiner did not have an opportunity to respond to this argument in the examiner's answer. Nevertheless, the examiner has already dealt with this argument in the final rejection of claim 1, where the examiner gives a detailed explanation regarding the edited material and the source material being stored on the storage medium (Figure 2) in Norton, see examiner's answer at pages 3, 4 and 5. We agree with the examiner's position. We find that Norton at col. 2, lines 23-54,

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material which is to be edited, i.e., the source material), and the digitized sequences of images (the edited material). Thus, both the source material and the edited material are stored on the storage medium.

Therefore, we sustain the obviousness rejection of claim 1 and its grouped claims 2, 3 and 5-7 over Norton in view of Rayner.

The decision of the examiner rejecting claims 1-3 and 5-7 under 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

James D. Thomas)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
Kenneth W. Hairston)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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