

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROHIRA YAMAGUCHI

Appeal No. 2001-2483
Application No. 09/040,561

ON BRIEF

Before HAIRSTON, GROSS, and SAADAT, ***Administrative Patent Judges***.
GROSS, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 2 through 4, which are all of the claims pending in this application.

Appellant's invention relates to a method of coding progressive video signals. Claim 2 is illustrative of the claimed invention, and it reads as follows:

2. A method of coding original progressive video signals and progressive video signals derived from interlaced video signals comprising the steps of:

a) producing a first DCT result on (n pixels * m/2 lines) of information from (n pixels * m lines) of information of one macroblock of an input video signal;

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b) producing a second DCT result by interpolation from the first DCT result;

c) adding the second DCT result and the first DCT result;

d) comparing the added DCT result of step c with a DCT result produced on the entire (n pixels * m lines) of information, and

e) selecting an optimum coding based on the comparison results in step d.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Yonemitsu et al. (Yonemitsu) 5,485,279 Jan. 16, 1996

Claims 2 through 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yonemitsu.

Reference is made to the Examiner's Answer (Paper No. 20, mailed August 13, 2001) for the examiner's complete reasoning in support of the rejection, and to appellant's Brief (Paper No. 19, filed June 18, 2001) and Reply Brief (Paper No. 21, filed October 1, 2001) for the appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art reference, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the anticipation rejection of claims 2 through 4.

Appellant argues (Brief, page 4) that in the claimed invention, a comparison is done after DCT is performed, whereas

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in Yonemitsu, a comparison is done using estimates, before DCT is actually performed. The examiner responds (Answer, page 5) that "[t]he claimed limitation 'DCT result' is broad enough to be interpreted as an input in selection of the DCT transformation as opposed to being the transform. The timing of when the DCT transformation takes place is not disclosed anywhere in the claims." We disagree with the examiner.

As pointed out by appellant (Reply Brief, page 2), the plain meaning of the term "result" is the outcome or product of a process. The plain meaning of the phrase "producing a . . . DCT result" is executing the transformation to obtain the product thereof, and adding DCT results and comparing DCT results clearly refer to adding and comparing the outcomes of the various DCT processes. Since Yonemitsu does not execute the transformation until after the optimum coding is selected, Yonemitsu fails to anticipate the claims. Accordingly, we cannot sustain the anticipation rejection of claims 2 through 4.

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CONCLUSION

The decision of the examiner rejecting claims 2 through 4 under 35 U.S.C. § 102(e) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ANITA PELLMAN GROSS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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APG:clm

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