

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTHONY M. RADICE

Appeal No. 2002-0763
Application No. 09/039,111

ON BRIEF

Before HAIRSTON, KRASS, and JERRY SMITH, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 10.

The disclosed invention relates to a coder for forming a composite video signal from a plurality of N separate video sources.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A coder for forming a composite video signal from a plurality of N separate video sources, the coder comprising

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a plurality of N coder modules, each module associated with a separate video source for recording video information and forming a digital representation thereof, each code module including control means for inserting source and line information into each digital line representation; and

a video multiplexer for sequentially multiplexing the digital representations formed by the plurality of N coder modules to form a composite video output signal.

The references relied on by the examiner are:

Justice	3,745,242	Jul. 10, 1973
Yuasa et al. (Yuasa)	4,679,077	Jul. 7, 1987
Radice	5,138,440	Aug. 11, 1992

Claims 1 through 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Justice in view of Radice.

Claims 6 through 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Justice in view of Radice and Yuasa.

Reference is made to the first Office Action (paper number 5), the brief (paper number 11) and the answer (paper number 12) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 10.

Appellant has not challenged the examiner's findings (first Office Action, pages 4 and 5) that Justice discloses an analog video multiplexer that multiplexes a plurality of video sources

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to yield composite analog video for transmission, and that Radice discloses (Figure 2) a video coder module that provides for converting an analog video signal to a digital video signal prior to transmission. With respect to the examiner's finding (first Office Action, page 4) that Radice discloses in column 5, lines 32 through 39 "a means for inserting line identification information that is digitally encoded along with video data," appellant argues (brief, page 4 and 5) that neither of the applied references inserts source and line information into the transmitted video signals.

We agree with the appellant's argument. Justice is silent as to source and line information, and the referenced portion of Radice mentions "associated control and/or auxiliary data" and "video identification byte including channel number information," but not source and line information. The examiner's contention (answer, page 3) that source and line information must be known before decoding the multiplexed video lacks evidentiary support in the record. In re Lee, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002). Thus, the obviousness rejection of claims 1 through 5 is reversed. The obviousness rejection of

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claims 6 through 10 is likewise reversed because the video teachings of Yuasa fail to cure the noted shortcoming in the teachings of Justice and Radice.

DECISION

The decision of the examiner rejecting claims 1 through 10 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
JERRY SMITH)	
Administrative Patent Judge)	

KWH/hh

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