

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. 38

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER H.N. DE WITH and STEPHANUS J.J. NIJSSEN

Appeal No. 2002-1231
Application No. 09/328,693

ON BRIEF

Before THOMAS, BARRETT, and DIXON, **Administrative Patent Judges**.
DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 4-9 and 18, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

Appellants' invention relates to a device for transmitting television pictures and device for receiving said pictures. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A device for transmitting television pictures, comprising:
 - means for dividing each television picture into blocks;
 - means for forming motion vectors for said blocks;
 - means for forming a reference vector and a plurality of difference vectors from the motion vectors of a plurality of contiguous blocks which form a sub-picture, the reference vector being the motion vector of any selected one of said blocks, and each difference vector being the difference between the motion vector of a block and the motion vector an immediately adjacent block; and
 - a variable-length encoder for encoding the difference vectors into code words of variable length, the motion vectors of a sub-picture being applied to the variable-length encoder in the form of a series which successively comprises the difference vectors and the reference vector, the variable-length encoder being of a type which allocates a code word of variable length to each sequence of zero values followed by a non-zero value in said series.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Vogel	4,901,075	Feb. 13, 1990
Yagasaki et al. (Yagasaki)	5,428,396	Jun. 27, 1995
Fujinami	0 556 507 A1	Aug. 25, 1993

Claims 1, 4-9, and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fujinami in view of Vogel in view of Yagasaki.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 37, mailed Oct. 23, 2001) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 36, filed Aug. 15, 2001) for appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

Appellants argue that the combination of references must teach all of the claim limitations and that the combination of Fujinami, Vogel and Yagasaki do not teach or fairly suggest "the reference vector being the motion vector of any selected one of said blocks" as recited in independent claim 1. (See brief at pages 4-5.) The examiner maintains that Fujinami teaches the vector V_N being the representative vector of V_a , V_b , and V_c and the difference between the individual vectors as shown in Fig. 3 is considered to be zero and relies upon the teachings of columns 7-8. (See answer at page 6.) While we agree with the examiner that Fujinami teaches that V_N is a

representative vector for the macroblock, we do not find that Fujinami or the combination teaches or fairly suggests “means for forming a reference vector and a plurality of difference vectors from the motion vectors of a plurality of contiguous blocks which form a sub-picture, the reference vector being the motion vector of any selected one of said blocks, and each difference vector being the difference between the motion vector of a block and the motion vector an immediately adjacent block.” We disagree with the examiner’s correlation of the teachings of Fujinami to the claim limitations. Fujinami discloses at columns 6-8 that the subblocks are used in the processing and determination of the representative values, but that the macroblock is the block which corresponds to the encoded data by the variable length coder. Therefore, the “blocks” as recited throughout the claim would have to correspond to the macroblock and not the subblock as correlated by the examiner. Therefore, the representative vector between must be selected from the motion vectors of the other macroblocks to teach or suggest the limitation as claimed. We agree with appellants that Fujinami does not teach or suggest the above limitation. Appellants argue that Yagasaki does not teach or suggest the above limitation at page 5 of the brief and the examiner does not respond more than repeating the prior citation to column 18 of Yagasaki regarding a strong spatial correlation. (See answer at page 7.) While we agree that Yagasaki teaches the strong spatial correlation, we do not find that Yagasaki teaches or fairly suggests “the reference vector being the motion vector of any selected one of said

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blocks” as recited in the language of independent claim 1. Therefore, we find that the examiner has not established a ***prima facie*** case of obviousness, and we cannot sustain the rejection of independent claim 1 and its dependent claims 4 and 5.

Independent claims 6, 9 and 18 contain similar limitations which the examiner has not shown in the prior art applied, therefore, we find that the examiner has not established a ***prima facie*** case of obviousness, and we cannot sustain the rejection of independent claims 6, 9 and 18 and their dependent claims 7 and 8.

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CONCLUSION

To summarize, the decision of the examiner to reject claims 1, 4-9 and 18 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JOSEPH L. DIXON)	
Administrative Patent Judge)	

JD/RWK

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