

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

Appeal No. 2002-1910
Application 08/901,409

HEARD: May 8, 2003

Before HAIRSTON, KRASS and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 10. In an Amendment After Final¹ (paper number 8), claim 1 was amended.

¹ After submission of the amendment, the examiner withdrew the indefiniteness rejection of claims 2 through 4 (paper number 9).

The disclosed invention relates to a video camera, and to a zooming method for the same. The video camera determines whether or not a focus lens is in focus while performing an optical zoom-in operation, and stores zoom lens position information and focus lens position information only when it is determined that the focus lens is in focus. If the focus lens becomes out of focus during the zoom-in operation, the stored zoom lens position information and focus lens position information are used to place the lens in focus.

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

1. A video camera zooming method comprising the steps of:

(a) judging whether or not a focus lens is in focus while performing an optical zoom-in operation;

(b) storing zoom lens position information and focus lens position information only when it is determined that the focus lens is in focus in step (a);

(c) continuing to perform the optical zooming operation only when it is determined in step (a) that the focus lens is in focus;

(d) performing a focusing operation, using the focus lens position information and corresponding zoom lens position information which have been stored in step (b), when the focus lens is judged to be not in focus in step (a) to obtain a video signal; and

Appeal No. 2002-1910
Application 08/901,409

(e) performing a digital zooming operation with respect to the video signal obtained in step (d), when it is judged in step (a) that the focus lens is not in focus.

The references relied on by the examiner are:

Okino et al. (Okino)	5,867,217	Feb. 2, 1999
	(effective filing date	Dec. 29, 1992)
Hirasawa et al. (Hirasawa)	5,933,187	Aug. 3, 1999
	(effective filing date	May 24, 1994)

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Okino.

Claims 3 and 6 through 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okino in view of Hirasawa.

Reference is made to the final rejection (paper number 7), the answer (paper number 13), and the briefs (paper numbers 12 and 14) for the respective positions of the appellant and the examiner.

OPINION

All of the claims on appeal require storing zoom lens position information and focus lens position information only when it is determined that the focus lens is in focus. The

examiner is of the opinion that Okino discloses at column 5, lines 48 through 55, that "the output of zoom encoder 7 is clearly stored in microcomputer 20 and that it is clear that focus lens position information is being stored in a counter since focus lens position is being detected by counting the number of pulses of motor 9." Appellant argues (brief, pages 4 and 7) that Okino neither teaches nor would have suggested storing zoom lens position information and focus lens position information only when it is determined that the focus lens is in focus. According to the appellant (reply brief, page 2),

Okino et al pre-stores the position information corresponding to the zoom position and performs the focusing operation using the position information corresponding to the zoom position detected when the lens is in focus, while the present invention stores the position information of the zoom lens and the focus lens when the lens is in focus and performs the optical zooming operation and the focusing operation using the zoom lens position information and the focus lens position information corresponding to the focal point just before the lens is out of focus.

Although Okino has a storage means 17 that stores information associated with a position where the fourth lens group 4 is located according to the object distance and the

position of the second lens group 2 (column 4, lines 62 through 65, and column 5, lines 9 through 12), the storage of the position information is not performed when the focusing lens is in focus. When an in-focus state is reached, Okino merely detects the positions of the second and the first lens groups (column 5, lines 51 through 55). The examiner's contentions to the contrary notwithstanding, Okino is completely silent as to storing any of the detected position information. In fact, "[p]osition information corresponding to the zoom position and indicating a position to which the fourth lens group is to be moved is read out" from the memory 17 in a subsequent step to the detection step (emphasis added) (column 5, lines 56 through 59). Thus, the anticipation rejection of claims 1, 2, 4 and 5 is reversed because Okino is silent as to storing the detected position information.

The obviousness rejection of claims 3 and 6 through 10 is reversed because the teachings of Hirasawa fail to cure the noted shortcoming in the teachings of Okino.

Appeal No. 2002-1910
Application 08/901,409

DECISION

The decision of the examiner rejecting claims 1, 2, 4 and 5 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 3 and 6 through 10 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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Appeal No. 2002-1910
Application 08/901,409

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