

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. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HENRIK FEGESH

Appeal No. 2002-2239
Application No. 08/876,450

ON BRIEF

Before SCHAFER, LEE and MOORE, *Administrative Patent Judges*.
MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the final rejection of claims 1-6, which are all of the pending claims of this application.

REPRESENTATIVE CLAIM

The appellant has indicated (Brief, page 3) that, for the purposes of this appeal, claims 2, 4, and 6 will stand or fall together with claim 1, while claims 3 and 5 stand apart. Claims 1, 3, and 5 (with any intervening claims) read as follow:

1. An arrangement for producing television contributions in a studio or in a mobile unit, comprising:
at least one picture signal source; devices for processing the picture signals; and outputs for the processed picture signals,
characterized in that the arrangement further comprises:
a central operation unit for accommodating the individual

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picture signal-processing devices as independent units; and
a controllable switching device having outputs connected to the inputs of the picture signal-processing devices, and having inputs connected to the outputs of the picture signal-processing devices enabling free allocation of the picture signal-processing devices to the at least one picture signal source and to the outputs of the arrangement.

3. An arrangement as claimed in claim 1, characterized in that controllable switching device comprises a computer-controlled crossbar having outputs and inputs to which the inputs and outputs, respectively, of the picture signal-processing devices are connected.

4. An arrangement as claimed in claim 1, characterized in that [the] central operation unit comprises a production box arranged centrally in a studio or mobile unit, the picture signal-processing devices and the controllable switching device being accommodated in said production box.

5. An arrangement as claimed in claim 4, characterized in that the picture signal-processing devices are implemented as fixedly wired slide-in units which are slidable into the production box and are connectable to the controllable switching device via slide-in contacts or software modules.

The References

In rejecting the claims under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), the examiner relies upon the following references:

Ritter et al. (Ritter)	5,001,473	Mar. 19, 1991
Esch et al. (Esch)	5,099,319	Mar. 24, 1992
Drako et al. (Drako)	5,446,866	Aug. 29, 1995

The Rejections

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

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Esch in view of Drako.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being

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unpatentable over Esch.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Esch in view of Ritter.

The Invention

The invention relates to an arrangement for producing television contributions in a studio or in a mobile unit from a plurality of simultaneously available signal sources utilizing at least one picture signal source, devices for processing the picture signals, and outputs for the processed picture signals. (Specification, page 1, lines 2-8). Further details of the claimed invention are recited in claims 1, 3, 4, and 5 reproduced above.

The Rejection of Claims 1, 2, and 4 Under 35 U.S.C. §102(b)

The examiner has found that Esch discloses at least one picture signal source, outputs for the processed signals, a central operating unit, and a controllable switching device having outputs connected to the inputs of the picture signal processing devices and having inputs connected to the outputs of the signal processing devices (Page 4, lines 1-7).

The appellant urges that "[n]owhere within the four corners of Esch can this inventive configuration be found or suggested" (Appeal Brief, page 4, lines 9-11).

Claim 1 requires a central operation unit for accommodating the individual picture signal-processing devices as independent units; and a controllable switching device having outputs connected to the inputs of the picture signal-processing devices enabling free allocation of the picture signal-processing devices to the at least one picture signal source and having inputs connected to the outputs of the picture signal processing device.

The examiner contends that claim 1 requires no routing of any signals from the output of 118 to the input of 118. Rather, it is urged, that claim 1 only requires that the outputs and inputs are connected. The examiner is of the opinion that the outputs 118 of figure 5 of Esch meet the claim limitation because they are connected to the outputs of 111. This "physical" connection is said to be sufficient to meet the claim limitations (Examiner's Answer, page 4, lines 8-17).

We disagree. Claim 1 requires a controllable switching device both upstream and downstream of the signal processing device (i.e., having outputs connected to the inputs of the picture signal processing devices, and having inputs connected to the output of the picture signal processing device), in order that they may be accommodated as independent units. This requires the ability to switch from sources and to use output signals from processing devices as potential input sources.

The examiner's interpretation, that simply because one can trace the circuit back from the outputs to the inputs means that they are "connected" fails to give the claim terms their ordinary meanings. Where the claim recites connected to an input or an output, their ordinary meaning is a direct connection enabling the function recited within the claim body.

Apparently, according to the examiner (Answer at 4, lines 9-12), in Esch the outputs of the matrix switch 118 is connected to the inputs of various processors 111-117 because there is a physical connection between the output of each processor and the output of the matrix switch 118. That view erroneously treats the output of processors 111-117 the same as the input of those

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processors.

To the extent the examiner regards anything connected to a device's output as necessarily connected to the device's input through the device itself, it is erroneous where, as here, the connection is for the purpose of making it possible to provide signals to the input of the device.

Similarly, for the purpose of providing a capability to switch or direct signals, the output of matrix switch 118 cannot be deemed connected to the output of processors 111-117 simply because the output of processors 111-117 are applied as inputs to the matrix switch 118. The examiner evidently has ignored the requirement of "enabling free allocation of the picture signal-processing devices to the at least one picture signal source and to the outputs of the arrangement.

As a consequence, we determine that the examiner has not met the burden of establishing a prima facie case of anticipation and shall reverse this rejection.

However, we observe in passing that it appears to us the Esch description may nonetheless still render the claimed subject matter anticipated or obvious within the meaning of 35 U.S.C. §102(b) and 35 U.S.C. §103(a). The communications processor 103 is connected to a multitude of signal sources (see, e.g. Esch, Fig. 5, and column 7, lines 45-50). The signal sources are capable of being switched from one processor to another (Fig 5, reference numeral 105 can feed either video processor 111 or 112). The communications processor 103 controls the control processor 109, which in turn controls the downstream matrix switch processor 117 and matrix switch 118.

Thus, considering the communications processor, control

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processor, and matrix switch processor to be the "central operating unit," it appears that all the claim limitations may be found within the description of Esch. If, to some extent, the signal sources upstream are not be switched by a matrix switch (see, e.g. reference numeral 105 feeding processors 111 and/or 112, or other signal sources hooked back into the communications processor), it appears that such switching under the control of the communications processor would have been obvious; especially in view of the identical matrix switching arrangement made downstream, thereby giving maximum flexibility between signal sources and processors.

We decline to exercise our authority under 37 CFR 1.136(b), as this interpretation of Esch has not before been raised, and would benefit from further investigation by the examiner and the appellant and additional prosecution. The examiner and appellants should address this reading of Esch in view of the language of the claims as interpreted above.

The Rejection of Claim 3 Under 35 U.S.C. §103(a)
over Esch in view of Drako;
The Rejection of Claim 5 Under 35 U.S.C. §103(a) over Esch;
and
The Rejection of Claim 6 Under 35 U.S.C. §103(a)
over Esch in view of Ritter

Although not expressly stated by the examiner, each of these rejections is founded on the rejection of claim 1 under 35 U.S.C. §102(b), which we have reversed above. Consequently, these rejections are likewise reversed for the reasons stated before.

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Summary of Decision

The rejection of claims 1, 2, and 4 under 35 U.S.C. §102(b) over Esch is reversed.

The rejection of claim 3 under 35 U.S.C. §103(a) over Esch in view of Drako is reversed.

The rejection of claim 5 under 35 U.S.C. §103(a) over Esch is reversed.

The rejection of claim 6 under 35 U.S.C. §103(a) over Esch in view of Ritter is reversed.

REVERSED

RICHARD E. SCHAFFER)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JAMESON LEE)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
JAMES T. MOORE)	
Administrative Patent Judge)	

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THOMSON MULTIMEDIA LICENSING, INC.
PATENT OPERATIONS
PO BOX 5312
PRINCETON, NJ 08543-5312