

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HIROSHI YAMAGUCHI

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Appeal No. 2003-0266  
Application 09/072,553

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ON BRIEF

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Before HAIRSTON, FLEMING, and DIXON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 13 and 18 through 20. Claims 14 through 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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

1. An image processing method, comprising the steps of:  
    exposing a calibration pattern outside an image exposure area of a photosensitive material for photographing;  
    exposing an image inside the image exposure area to form a continuous tone image;  
    developing the exposed image and the exposed calibration pattern;  
    digitally reading a formed image and the calibration pattern in substantially a same manner after development processing and creating digital image data and digital calibration pattern data; and  
    using the created digital calibration pattern data, correcting the digital image data.

The references relied on by the examiner are:

Thurm et al. (Thurm)	4,274,732	June 23, 1981
Sachs	5,483,259	Jan. 9, 1996
Itoh et al. (Itoh)	5,696,576	Dec. 9, 1997
Inoue	5,731,884	Mar. 24, 1998

Claims 1 through 3, 7, 11 through 13 and 18 through 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thurm in view of Inoue.

Claims 4 through 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thurm in view of Inoue and Sachs.

Claims 8 through 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thurm in view of Inoue and Itoh.

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Reference is made to the brief (paper number 15) and the answer (paper number 17) 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 13 and 18 through 20.

Claims 1 through 13 and 18 through 20 on appeal require the step of digitally reading a formed image and a calibration pattern and claims 1, 2 through 6, 8, 9, 11, 12 and 18 through 20 require the step of using the digital calibration pattern data to correct the digital image data. Appellant argues (brief, page 12) that the system disclosed by Thurm is incapable of performing the recited steps.

We agree. The examiner's contentions (answer, pages 4 and 8) to the contrary notwithstanding, Thurm never digitally reads the formed image 1a and the calibration pattern 1d. Instead, Thurm performs an analog reading of the formed image and the calibration pattern, and the analog image data and the analog pattern data are subsequently converted to digital form by analog-digital converter 19 for input to computer 20. The analog formed image signal and the calibration pattern signal form

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multiplexed inputs to the analog-digital converter 19, and Thurm is silent as to using the converted digital calibration pattern signal to correct the converted digital image data signal. The outputs 20a, 20b and 20c from the computer control the electromagnets 11, 13 and 15 and correspondingly the subtractive filters 10, 12 and 14, respectively. In other words, the feedback signals 20a, 20b and 20c from the computer control the movement of the filters 10, 12 and 14 into and out of the path of the copying light that exposes the area 8a of photographic paper 8 (Figures 1 and 2; column 10, lines 26 through 35).

In summary, the anticipation rejection of claims 1 through 13 and 18 through 20 is reversed because Thurm does not disclose all of the steps recited in the claims on appeal, and neither Inoue, Sachs nor Itoh cures the deficiencies in the teachings of Thurm.

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DECISION

The decision of the examiner rejecting claims 1 through 13  
and 18 through 20 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
MICHAEL R. FLEMING	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

KWH:svt

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