

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TODD CHRISTOPHER, BARTH ALAN CANFIELD
and STEVEN WAYNE PATTON

Appeal No. 2004-0317
Application No. 09/319,822

ON BRIEF

Before KRASS, BARRY and SAADAT, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-14.

The invention pertains to processing video signals for display. In particular, a processor receives both a high-definition signal and a standard definition signal, converts the standard definition signal to a format compatible with the high-

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Reference is made to the brief and answer for the respective positions of appellants and the examiner.

OPINION

In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). To reach a conclusion of obviousness under § 103, the examiner must produce a factual basis supported by a teaching in a prior art reference or shown to be common knowledge of unquestionable demonstration. Our reviewing court requires this evidence in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). The examiner must not only identify the elements in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

It is the examiner's position that while Yasuki discloses a controller receiving digital broadcast signals in both MPEG and NTSC form, wherein a memory unit is shared, it does not disclose a decompressor, a converter or a display processor. The examiner

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contends that it would have been obvious, in view of Faroudja's converter element 12 in Figure 3, to employ a converter in Yasuki "because a converter would be needed, to modify standard definition data, in order to display a picture, of increased quality" (Paper No. 7-page 4). The examiner further contends that it was "well known in the art" that "decompressing is an inherent result of decoding" (Paper No. 7-page 4). Finally, the examiner contends that Yasuki's disclosure of a display (element 325 in Figure 1) would have made the use of a display processor obvious since it was "well known in the art, that a display unit must be accompanied by a display processor, to ensure proper assembly, of an image" (Paper No. 7-page 4).

In our view, the examiner's rationale falls short of providing a prima facie case of obviousness.

While there may be other reasons that the examiner's reasoning is flawed, the first thing that strikes us is the claimed recitation of a converter for converting the standard definition formatted data to a format compatible with said high definition formatted data. The examiner cites the converter element 12 in Faroudja's Figure 3 as such a converter.

Aside from an insufficient motive that would have led the artisan to place such a converter in the Yasuki system, the

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converter of Faroudja is not a converter, as required by the instant claims. That is, the converter of Faroudja is a conventional standards converter (see column 6, lines 51 et seq.) which converts a 525-line NTSC video source into a 625-line progressively scanned video signal. While resolution may be improved, the converter 12 of Faroudja is *not* one that converts standard definition formatted data to a format compatible with high definition formatted data.

The examiner urges that "a converter which processes and outputs a signal which is progressively scanned and has more lines, i.e. more picture information, or a higher resolution, than its input, is in fact a high definition signal" (answer-page 5).

We agree with appellants that the terms "standard definition" and "high definition" have specific meanings to the skilled artisan. While it is true that Faroudja converts to a higher resolution and high definition does have greater resolution than standard definition, it does not follow that merely because Faroudja converts from a 525-line signal to a 625-line signal, this is a conversion to high definition. High definition systems have 720 or 1080 lines of resolution and the artisan would have understood this and would not have considered

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Faroudja's 525-625-line conversion to be "high definition."

In any event, it is clear from Faroudja's disclosure that it converts a standard NTSC video source (525-lines, 60Hz, 2/1 interlaced) to a progressively scanned (525 or 625 line, 24 Hz) television signal. There is absolutely no teaching, or indication, in Faroudja of converting standard definition formatted data to a format compatible with high definition formatted data, or having compatible standard definition and MPEG2 format signals, as required by the instant claims.

For this reason, inter alia, the examiner has not established a prima facie case of obviousness with regard to the instant claimed subject matter and we will not sustain the rejection of the claims under 35 U.S.C. § 103.

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The examiner's decision is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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LANCE LEONARD BARRY)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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MAHSHID D. SAADAT)	
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EK/RWK

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