UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LESTER F. LUDWIG, J. CHRIS LAUWERS, KEITH A. LANTZ, GERALD J. BURNETT, and EMMETT R. BURNS

Appeal No. 2005-2230
Application No. 10/120,307

ON BRIEF

Before RUGGIERO, GROSS, and SAADAT, ***Administrative Patent Judges***.
GROSS, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 21, 24, 39, and 42.

Appellants' invention relates to a computer-based multimedia collaboration system in which an audio or video signal is captured, stored, and marked such that the marked signals can later be searched. Claim 21 is illustrative of the claimed invention, and it reads as follows:

21. A networked multimedia system comprising:

A) one or more workstations, each including
i) video and audio reproduction capabilities, and
ii) video and audio capture capabilities;

B) at least one storage cell configured to
i) store audio/video signals; and

C) at least one signal path,
i.) interconnecting the one or more workstations and the at least one storage cell,

wherein the system is configured to

D) mark the captured audio/video signals,
i) such that the marked audio/video signals
ii) can later be searched
iii) to access a selected portion thereof; and

E) search the marked audio/video signals
i) in the at least one storage cell to access the selected portion.

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

P. Venkat Rangan et al., "Software Architecture for Integration of Video Services in the Etherphone System," IEEE Journal on Selected Areas in Communications, Vol. 9, No. 9, December 1991, pp. 1395-1404. (Rangan)

Polle T. Zellweger et al., "An Overview of the Etherphone System and Its Applications," 1988 IEEE, pp. 160-168. (Zellweger)

Claims 21 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rangan.

Claims 24 and 42 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rangan in view of Zellweger.

Reference is made to the Examiner's Answer (Paper No. 15, mailed October 15, 2004) for the examiner's complete reasoning in support of the rejections, and to appellants' Brief (Paper No.

14, filed August 19, 2004) and Reply Brief (filed December 15, 2004) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the anticipation rejection of claims 21 and 39 and also the obviousness rejection of claims 24 and 42.

With regard to claims 21 and 39, the only limitation at issue is the marking of the video/audio signal for later searching. The examiner contends (Answer, page 4) that Rangan's statement on page 1402 that "[a]ny part of the bar (i.e., video rope) can be selected and played back, moved, copied or deleted," suggests that the captured audio/video signals are marked such that they can be searched later to access a selected portion. The examiner further states (Answer, page 6) that laser disc storage (which is used by Rangan) "inherently . . . has some type of marking or index so that data can be directly accessed." Last, the examiner asserts (Answer, page 7) that Rangan's creation of a video rope is equivalent to the marking of selected portions.

Appellants' position (Brief, page 6) is that Rangan fails to teach marking video signals for searching selected portions. Appellants assert (Brief, page 7) that in Rangan, "[a]lthough a user of the Rangan system can get to a desired portion by scanning over the video, the visual scanning Rangan would support does not utilize or rely on marking in order to conduct a search," as recited in the claims. Appellants further explain that to retrieve a portion of the video rope, the user must playback each interval until the appropriate one is found. There is no marking to search. Additionally, with regard to Rangan's optical disc, appellants contend (Reply Brief, page 4) that the examiner has provided no evidence to support his assertion that marking is inherent in optical disc storage.

We agree with appellants. We find nothing in Rangan that suggests searchable markers. Although portions of the video or audio signal can be accessed, Rangan does not teach or suggest that they are marked such that the markers can be searched. Further, the examiner has failed to provide evidence to support the assertion that Rangan's optical disc inherently includes searchable markers. Accordingly, we cannot sustain the anticipation rejection of claims 21 and 39.

As to claims 24 and 42, the examiner contends (Answer, page 4) that Zellweger discloses marking audio by adding tags. However, the relied upon portions of Zellweger merely discuss annotating a signal, not marking with searchable tags. Thus, neither Rangan nor Zellweger discloses marking the signals for later searching by adding tags. Consequently, we cannot sustain the obviousness rejection of claims 24 and 42.

CONCLUSION

The decision of the examiner rejecting claims 21 and 39 under 35 U.S.C. § 102(b) and claims 24 and 42 under 35 U.S.C. § 103 is reversed.

REVERSED

JOSEPH F. RUGGIERO Administrative Patent Judge	)
ANITA PELLMAN GROSS Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
MAHSHID D. SAADAT Administrative Patent Judge	)

APG/vsh

SUGHRUE MION, PLLC
401 Castro Street, Ste 220
Mountain View, CA 94041-2007