

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JIRO YAMADA

Appeal No. 2005-2320
Application 09/778,895

HEARD: October 19, 2005

Before HAIRSTON, BARRETT, and LEVY, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 14.

The disclosed invention relates to the use of copy control information to control the reproduction of digital audio data recorded on a digital data recording medium.

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Claims 1, 3 through 5, 7 through 11 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Matsumoto.

Claims 2, 6, 12 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto.

Reference is made to the briefs and the answer 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 anticipation rejection of claims 1, 3 through 5, 7 through 11 and 13, and reverse the obviousness rejection of claims 2, 6, 12 and 14.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital data Systems, Inc, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert dismissed, 468 U.S. 1228 (1984).

Matsumoto uses copy control information (i.e., CCI and a watermark) to prevent the unauthorized copying of disks (column 2, lines 28 through 50). Matsumoto discloses the use of a single decoder 25 which can be located either before or after the CCI unit 28 and the watermark unit 27 (Figure 3; column 9, lines 7 through 15). If the decoder is located before the CCI unit and

the watermark unit, and if we assume for the sake of argument that it determines whether the output data from the disk 8 is encrypted data, then a decoder¹ to extract digital audio data from the decrypted data is not located in Matsumoto. Accordingly, the anticipation rejection of claims 1, 3 through 5, 7 through 11 and 13 is reversed because each and every claimed element is not located in Matsumoto.

For all of the reasons expressed supra, and for the additional reason that the record is silent as to a reason why the skilled artisan would have attributed any other decoding functions to the decoder 25, the obviousness rejection of claims 2, 6, 12 and 14 is reversed.

¹Matsumoto is silent as to the decoder 25 performing more than a single decoding function.

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DECISION

The decision of the examiner rejecting claims 1, 3 through 5, 7 through 11 and 13 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 2, 6, 12 and 14 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
STUART S. LEVY)	
Administrative Patent Judge)	

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