

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 TIMOTHY LEROY TOWNS, JOHN T. VARGA

Appeal No. 2005-1994
Application No. 09/571,790

ON BRIEF

Before RUGGIERO, BLANKENSHIP, and NAPPI, Administrative Patent Judges.
RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-38, which are all of the claims pending in the present application.

The claimed invention relates to a color compression system and method in which an expandable color palette is utilized to store a pre-established number of n-bit color codes. A first palette table of the color palette is used to store up to the pre-established number of n-bit color codes with each of the n-bit color codes mapping to an m-bit color value, where m is an integer greater than n. The color palette is expanded to include additional palette tables which store additional sets of the pre-established number of n-bit

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color codes with the additional palette tables being associated with the first palette table by an established link.

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

1. A method of compressing color data, comprising:

providing an expandable color palette for storing a pre-established number of n-bit color codes, each of the n-bit color codes mapping to an m-bit color value, wherein m is an integer greater than n;

storing up to the pre-established number of n-bit color codes in a first palette table of the color palette;

expanding the color palette to include up to a specified number of additional palette tables for storing additional sets of the pre-established number of n-bit color codes; and

providing a link for associating the first palette table to one or more additional palette tables.

The Examiner relies on the following prior art:

Eisler et al. (Eisler) 6,008,816 Dec. 28, 1999

Claims 1-38, all of the appealed claims, stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by Eisler.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Briefs¹ and Answer for the respective details.

¹ The Appeal Brief was filed August 15, 2003. In response to the Examiner's Answer mailed November 19, 2003, a Reply Brief was filed January 26, 2004, which was acknowledged and entered by the Examiner as indicated in the communication dated April 2, 2004.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner, and the evidence of anticipation relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the Eisler reference does not fully meet the invention as set forth in claims 1-38. Accordingly, we reverse.

At the outset, we note that 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 as well as disclosing structure which is capable of performing the recited functional limitations. 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); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to the appealed independent claims 1, 11, 19, and 29, the Examiner attempts to read the various limitations on the disclosure of Eisler. In particular, the

Examiner (Answer, page 3) points to the illustrations in Eisler's Figures 4A and 4B, along with the discussion at column 2, lines 20-59, column 7, lines 44-67, and column 8, lines 18-34 of Eisler.

Appellants' arguments in response assert a failure of Eisler to disclose every limitation in independent claims 1, 11, 19, and 29 as is required to support a rejection based on anticipation. Appellants' assertions (Brief, pages 4 and 5; Reply Brief, pages 2 and 3) focus on the contention that, in contrast to the claimed invention, Eisler does not disclose the expansion of a color palette to include additional sets of a pre-established number of n-bit color codes. —

After reviewing the Eisler reference in light of the arguments of record, we are in general agreement with Appellants' position as expressed in the Briefs. As asserted by Appellants (Reply Brief, page 2), while Eisler discloses an n-bit palette which maps to a larger m-bit palette, there is no description in Eisler of the expansion of a color palette to include additional palette tables with additional color codes.

As such we find no support for the Examiner's conclusion that Eisler discloses the expansion of a color palette "to include up to a specified number of additional palette tables for storing additional sets of the pre-established number of n-bit color codes" as set forth in each of the independent claims 1, 19, and 29. Further, with respect to independent claim 11, we fail to see any disclosure in Eisler, and the Examiner has pointed to none, which would satisfy the claimed features of searching the color palette for

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a particular n-bit color code, inserting the m-bit color value in an available location in the palette table, writing the n-bit color code in the pixel map, and generating additional pixel maps and pixel tables if no location is available in the palette table.

In view of the above discussion, since all of the claim limitations are not present in the disclosure of Eisler, we do not sustain the Examiner's 35 U.S.C. § 102(e) rejection of independent claims 1, 11, 19, and 29, nor of claims 2-10, 12-18, 20-28, and 30-38 dependent thereon. Therefore, the decision of the Examiner rejecting claims 1-38 is reversed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

REVERSED

JOSEPH F. RUGGIERO)	
Administrative Patent Judge)	
)	
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)	
HOWARD B. BLANKENSHIP)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS
)	AND
)	INTERFERENCES
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)	
)	
ROBERT NAPPI)	
Administrative Patent Judge)	

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APJ BLANKENSHIP

APJ NAPPI

DECISION: **REVERSED**

PREPARED: Apr 21, 2006

OB/HD

PALM

ACTS 2

ELPH

IFW MESSAGING

DISK (FOIA)

REPORT