

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

Appeal No. 2006-0640
Application No. 08/889,889

ON BRIEF

Before HAIRSTON, JERRY SMITH, and LEVY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 42.

The disclosed invention relates to a video surveillance system in which data and video of a financial transaction at a client is sent to a server via a communications network.

Claims 1 and 22 are illustrative of the claimed invention, and they read as follows:

1. A video surveillance system, comprising:
a client operable to perform a financial transaction, the client further operable to generate data from the financial transaction, the client having a camera operable to generate

video of the financial transaction, the client operable to transmit the data and video using a communications network; and a server coupled to the client using the communications network, the server operable to receive the data and video from the client and to display the video and data in real-time.

22. A video surveillance system, comprising:

a client operable to perform a financial transaction, the client operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to accumulate and store the data and video as a digital file, the client operable to transmit the digital file across a communications network; and a server coupled to the client using the communications network, the server operable to receive the digital file upon connection with the client, and to display the video and data.

The references relied on by the examiner are:

Ishida et al. (Ishida)	5,585,839	Dec. 17, 1996
Schwab	5,973,731	Oct. 26, 1999
		(filed May 30, 1995)

Claims 1 through 3, 5 through 13, 15 through 24, 26 through 35¹ and 37 through 42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Schwab.

Claims 4, 14, 25 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwab in view of Ishida.

¹Although the statement of the rejection fails to list claim 33 (answer, page 4), the appellants have discussed this claim in connection with the claims rejected under 35 U.S.C. § 102(e) (brief, page 8). In view of the appellants' action, we have chosen to include this claim under the anticipation rejection.

Reference is made to the briefs, the Office Action dated November 7, 2003 (paper number 15) and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 through 3, 5 through 13 and 15 through 21, sustain the anticipation rejection of claims 22 through 24, 26 through 35 and 37 through 42, reverse the obviousness rejection of claims 4 and 14, and sustain the obviousness rejection of claims 25 and 36.

A claim is anticipated under 35 U.S.C. § 102 "if each and every limitation is found either expressly or inherently in a single prior art reference." Bristol-Myers Squibb Co. v. Ben Venue Labs, Inc., 246 F.3d 1368, 1374, 58 USPQ2d 1508, 1512 (Fed. Cir. 2001).

Turning first to the anticipation rejection of claim 1, the appellants argue (brief, page 5) that Schwab does not generate data and video of a financial transaction, and then transmit the data and video using a communications network. We disagree. Schwab expressly states that textual data and image data from one or more remote client sites are stored at the location of the

central server computer (Abstract; column 3, lines 39 through 43; column 9, line 47 through column 10, line 8). Appellants additionally argue (brief, pages 5 and 6; reply brief, pages 3 and 4) that Schwab fails to teach a server that displays the video and data in real time. We agree with appellants' argument. Schwab is completely silent as to the video and data being sent or displayed in real time at the server computer. Thus, the anticipation rejection of claims 1 through 3, 5 through 10 is reversed because Schwab does not disclose "each and every limitation" of claim 1. The anticipation rejection of claims 11 through 13 and 15 through 21 is likewise reversed because claim 11 requires that the data and video be transmitted in real time from the client, and Schwab is silent as to such real-time transmission.

Turning next to the anticipation rejection of claim 22, appellants' argument (brief, page 9) to the contrary notwithstanding, the referenced portions of Schwab disclose a client operable to accumulate and store data and video as a digital file, and to transmit the digital file across a communications network to a server. For this reason, the anticipation rejection of claim 22 is sustained. The

anticipation rejection of claims 23, 24, 26 through 35 and 37 through 42 is sustained because appellants have chosen to let these claims stand or fall with claim 22 (brief, page 3).

Turning to the obviousness rejection of claims 4 and 14, we find that this rejection must be reversed because Ishida fails to cure the noted shortcoming in the teachings of Schwab.

Turning lastly to the obviousness rejection of claims 25 and 36, we find that appellants have not presented any patentability arguments for these claims. Accordingly, the obviousness rejection of claims 25 and 36 is sustained.

DECISION

The decision of the examiner rejecting claims 1 through 3, 5 through 13, 15 through 24, 26 through 35 and 37 through 42 under 35 U.S.C. § 102(e) is affirmed as to claims 22 through 24, 26 through 35 and 37 through 42, and is reversed as to claims 1 through 3, 5 through 13 and 15 through 21. The decision of the examiner rejecting claims 4, 14, 25 and 36 under 35 U.S.C. § 103(a) is affirmed as to claims 25 and 36, and is reversed as to claims 4 and 14.

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

AFFIRMED-IN-PART

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JERRY SMITH)	APPEALS
Administrative Patent Judge)	AND
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