

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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BOZIDAR JANKO and KAMALESH PATEL

Appeal 2006-3266
Application 10/418,405
Technology Center 3600

ON BRIEF

Before ANITA PELLMAN GROSS, LINDA E. HORNER, and ANTON W. FETTING, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Janko and Patel (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claim 1. Claim 2 has been objected to by the Examiner.

Appellants' invention relates to a method of displaying video signal errors in the area of viewer significance in a picture representing the video

signal. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of displaying problem areas in a picture represented by a video signal comprising the steps of:

analyzing the video signal for out-of-limit conditions to determine problem areas;

determining from the picture according to an attention model an area of viewer significance; and

highlighting the problem areas in the picture that are within the area of viewer significance.

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

Edelson	US 2002/0054211 A1	May 09, 2002
Osberger	US 6,670,963 B2	Dec. 30, 2003
		(filed Jan. 17, 2001)

Appellants' Admitted Prior Art, Figures 1-3 and corresponding description, Specification pages 1-2. (APA)

Claims 1 stands rejected under 35 U.S.C. § 103 as being unpatentable over APA in view of Edelson or Osberger.

We refer to the Examiner's Answer (mailed December 22, 2005) and to Appellants' Brief (filed July 10, 2006) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will reverse the obviousness rejection of claim 1.

OPINION

Appellants contend (Br. 6-7) that there is no teaching or suggestion to combine the attention maps of Osberger with the out-of-limit problem areas of the conventional waveform monitors/vectorscopes of APA to highlight only problems that occur in high viewer interest areas. The Examiner asserts (Answer 4-6) that it would have been obvious in view of APA, Osberger, and Edelson to highlight signal problems that occur in areas of high viewer interest. The issue, therefore, is whether the Examiner has provided a proper motivation to combine and, thus, whether the Examiner has established a *prima facie* case of obviousness.

Appellants disclose (APA, p. 1) that video waveform monitors and vectorscopes for determining if a video signal meets various requirements, such as being within a given amplitude range or within a given color space, are known. Appellants further disclose (APA, p. 1) that displaying the signals and highlighting the video signal errors, or the areas outside the allowable limits, is known.

Appellants (APA, p. 1) disclose a second known concept -- attention models. An attention model indicates content within a picture that is of particular interest to viewers, and, thus, areas on which viewers are likely to focus. Osberger also is directed to a visual attention model. See, for example, the title. Edelson discloses (Abstract) a video surveillance system that highlights areas of unexpected or exceptional motion. Edelson teaches (para. 0007) that by highlighting only the areas of unexpected or exceptional motion, the system "prevents overload on the *operator's attention* and only brings to the *operator's attention* those situations in the surveilled scene

which require his immediate attention" (emphasis added). Thus, Edelson also relates to an attention model.

The Examiner asserts (Answer 4) that "it would have been obvious ... that the 'cross-hatched areas' [that show the signal errors in Appellants' Fig. 1] is the claimed 'area of viewer significance' because the viewer would pay close attention to these 'cross-hatched areas' significantly." This assertion suggests that the Examiner does not grasp the two distinct concepts disclosed in APA and recited in claim 1. The video signal is analyzed to determine problems with the signal, or signal errors. The attention model relates to portions in the content of a display that attract a viewer's attention. For example, in a picture of a batter in a baseball game, a viewer will focus on the batter, and more specifically on the batter's upper torso, not on the stands in the background. Therefore, if a signal error were to occur in the background area of the corresponding display, the viewer would not pay close attention to that error. Accordingly, the cross-hatched area of Fig. 1 does not necessarily correspond to the area of viewer significance.

The Examiner (Answer 5) asserts that Edelson's areas of unexpected motion are equivalent to the problem areas, or "out-of-limit conditions," and that "Fig. 3 shows the unexpected motion picture being detected according to an attention model an area of viewer significance." However, the areas of unexpected motion in Edelson relate to the content of the display, and, thus, to the areas of viewer significance. The areas of unexpected motion do not indicate signal errors. Therefore, Edelson provides no teaching or suggestion concerning highlighting signal errors in the areas of viewer significance.

The Examiner (Answer 6) states that Osberger "discloses (Figs. 1-2) the method of analysis [sic] the video signal. This method provides an improved visual attention model." Again the Examiner indiscriminately combines the two concepts of signal error and visual attention models without any suggestion to do so in the references. Osberger analyzes the content of a video sequence to obtain a visual attention model. We find nothing in Osberger that would suggest highlighting signal errors in the areas of viewer significance.

Since we find no teaching or suggestion in any of the references, and the Examiner has pointed to none, to highlight signal errors in the areas of viewer significance, the Examiner has not provided a proper motivation to combine. Thus, the Examiner has failed to establish a *prima facie* case of obviousness.

ORDER

The decision of the Examiner rejecting claims 1 and 2 under 35 U.S.C. § 103 is reversed.

REVERSED

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