UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIRA ISHIDA, ATSUSHI IISAKA, and TAKASHI YOSHIDA

Appeal 2007-1290
Application 09/861,548
Technology Center 2600

Decided: July 25, 2007

Before ANITA PELLMAN GROSS, LANCE LEONARD BARRY, and JAY P. LUCAS, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Ishida, Iisaka, and Yoshida (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1 through 9 and 13 through 15, which are all of the claims pending in this application.

Appellants' invention relates generally to a rendering device for processing images of the area around a vehicle captured by an image capture device and generating an image for display. See Specification, Paragraph

[0001]. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A rendering device for generating a display image for drive assistance, said device comprising:

a reception part for receiving, from an image capture device of a vehicle, a surrounding image, which covers an area around the vehicle;

a storing part for storing indicator images, which are different from each other in size;

a counting part;

a selecting part for selecting, based on a counter value of said counting part, one of the indicator images stored in said storing part, and

a first image overlay part for overlaying the indicator image selected by said selecting part on any one of predetermined points, which are different from each other in position in the surrounding image received by said reception part, to provide a generation of the display image that indicates which portion of the area surrounding the vehicle is represented by the surrounding image with reference to the vehicle,

wherein said counting part counts a number of generations of the display image provided by said first image overlay part.

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

Yamamoto	US 6,476,855 B1	Nov. 05, 2002 (filed May 25, 1999)
Verbinski	US 6,507,025 B1	Jan. 14, 2003 (filed Sep. 17, 1999)

Claims 1 through 9 and 13 through 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yamamoto in view of Verbinski.

We refer to the Examiner's Answer (mailed September 8, 2005) and to Appellants' Brief (filed April 19, 2005) and Reply Brief (filed November 8, 2005) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 9 and 13 through 15.

OPINION

The Examiner asserts (Answer 3) that Yamamoto, in column 7, lines 10-35, discloses storing indicator images which are different in size. The Examiner's position appears to be that Yamamoto's left and right rear pickup images are positioned in display regions 80'a, 80'b, and 80c, which are all different sizes, and, thus, constitute indicator images which are different sizes. Appellants contend (Br. 9-10) that Yamamoto's display image regions 80'a, 80'b, and 80c are regions, not indicator images. Further, Appellants contend (Br. 10) that Yamamoto's vehicle image 36 cannot be the claimed indicator image as Yamamoto discloses only a single vehicle image rather than the claimed plural indicator images. Accordingly, Appellants contend that Yamamoto fails to disclose indicator images. The first issue, therefore, is whether Yamamoto teaches indicator images.

Each of the independent claims recites "indicator images, which are different from each other in size." Appellants disclose (Specification, paragraph [0017]) that "vehicle model images Mvhcb, Mvhcm, and Mvhcs are exemplified for an indicator image in Claims." In Figures 16 and 18, Yamamoto shows display regions 80'a, 80'b, and 80c, with 80c different in

size from 80'a and 80'b. Yamamoto discloses (col. 7, ll. 9-25) that left and right video images are formed in regions 80'a and 80'b. Further, as shown in Figure 18, the images formed in the display regions do not necessarily cover the entire region and, thus, cannot be equated with the images formed therein. Since display regions 80'a, 80'b, and 80c are not images, they cannot satisfy the claimed indicator images. In addition, Yamamoto does not disclose plural sizes for vehicle image 36. In fact, we find no images in Yamamoto that have different sizes. Therefore, Yamamoto fails to disclose the claimed indicator images.

The Examiner admits (Answer 4) that Yamamoto fails to disclose a counting part or a step of counting, as recited in the independent claims. The Examiner, however, asserts (Answer 4-5) that Verbinski's counter counts pixel densities of a moving vehicle object "for generating the image of the moving vehicle object. Counting the number of pixels of the display image being generated also counts the number of generations of the display image … because the number of pixels for one display image frame is fixed for a fixed resolution of a display device." Further, according to the Examiner (Answer 5-6), Yamamoto discloses selecting display images based on vehicle speed which, in turn, is determined based on a counting means. Thus, "Yamamoto implicitly discloses a counter for determining *which images to be displayed* based on the vehicle speed. . . . The number of generations of the display image is at least based on the (counter for) vehicle speed . . . because as the vehicle speed exceeds a predetermined value, different display images are displayed." The Examiner concludes that Yamamoto discloses the claimed counting part (and step) and also that it would have been obvious to incorporate Verbinski's counting part into

Yamamoto's invention "to allow Yamamoto to select an indicator image (any image … because Yamamoto's image indicates the vehicle's surrounding, driving directions and window directions) based on Verbinski's counting part such counting part can be incorporated in Yamamoto's display control device … for determining the vehicle speed value based on the vehicle speed signal."

Appellants contend (Reply Br. 12) that Yamamoto's vehicle does not select which images to display based on the speed nor counting the generations of the display image. Appellants contend (Reply Br. 12-13) that Yamamoto merely selects whether or not to display a monitor image based on the speed of the vehicle reaching a particular threshold. Appellants contend (Br. 11-12) that Verbinski discloses counting photons rather than generations of a display image that comprises an indicator image overlaid on a surrounding image. Counting pixels is not the same as counting the number of generations of the display image. Thus, the issue is whether the claimed counting part (or step) counting the number of generations of the display image would have been obvious in view of the teachings of Yamamoto and Verbinski.

Yamamoto does not explicitly disclose a counting part. Yamamoto's display of a monitor image when the vehicle speed reaches a particular threshold does not suggest counting the number of times an indicator image is overlaid on a surrounding image. Verbinski's counting pixel densities to generate a display of the moving vehicle's contents does not equate to counting the number of times an indicator image is overlaid on a surrounding image. Since neither Yamamoto nor Verbinski suggests counting the number of times an indicator image is overlaid on a

surrounding image, the combination fails to teach or suggest the claimed counting either. In other words, the combination of Yamamoto and Verbinski fails to include the claimed indicator images, counting part or step, nor the relationship between the counting part and the indicator images. Accordingly, we cannot sustain the obviousness rejection of each of independent claims 1, 13, 14, and 15, nor of their dependents, claims 2 through 9.

ORDER

The decision of the Examiner rejecting claims 1 through 9 and 13 through 15 under 35 U.S.C. § 103 is reversed.

REVERSED

pgc

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021