

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RAOUL MALLART AND JULIEN SIGNES

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Appeal 2007-3334  
Application 10/145,072<sup>1</sup>  
Technology Center 2600

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Decided: March 27, 2008

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Before ROBERT E. NAPPI, SCOTT BOALICK, and MARC S. HOFF,  
*Administrative Patent Judges.*

HOFF, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claim 1. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' invention relates to a method of decoding coded digital signals representative of audiovisual data (Specification 1). Specifically, Appellants seek to "fully describe the composition of complex scene[s] built

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<sup>1</sup> Application filed May 14, 2002. The real party in interest is Koninklijke Philips Electronics N.V.

from both 2D and 3D objects ... allow[ing] a unified representation of the complete scene and its layout” (Specification 4).

Claim 1 is the only pending claim:

1. A method of decoding coded digital signals representative of audiovisual data and available in the form of a continuous bitstream in view of the binary description of a scene to be rendered on a displaying device, said method comprising a processing operation based on an evolutive syntactic language and including the steps:

extracting, from said bitstream, distinct elements called objects according to the structure of said scene;

defining an individual animation of said elements of the scene;

defining particular interactions between a user and said elements; and

organizing specific relations between said scene elements and corresponding individual animations and/or user interactions according to various classes of applications, characterized in that said processing operation further comprises an additional step:

describing a complex scene, built from any kind of bidimensional and tridimensional objects, according to a framework integrating both bidimensional and tridimensional features and unifying the composition and representation mechanisms of the scene structure.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Crinon

US 6,801,575 B1

Oct. 5, 2004

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Crinon.

Appellants contend that the Examiner erred in his rejection because Crinon does not teach “describing a complex scene ... according to a framework integrating both bidimensional and tridimensional features,” as claim 1 requires. The Examiner argues that Crinon properly anticipates the claim because Appellants do not define “bidimensional” or “tridimensional,” and thus Crinon teaches the invention according to its broadest reasonable interpretation.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Brief and the Answer for their respective details.

### ISSUE

The principal issue in the appeal before us is whether Crinon teaches “describing a complex scene, built from any kind of bidimensional and tridimensional objects, according to a framework integrating both bidimensional and tridimensional features,” as required by claim 1.

### FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

#### *The Invention*

1. According to Appellants, they have invented a method of decoding digital signals representative of audiovisual data (Specification 4).
2. Appellants profess a “fundamental difference” between the description of a purely 3D scene, the description of a purely 2D scene, and the description of a mixed 2D/3D scene (Specification 2).

3. An object of Appellants' invention is an enhancement of the Binary Format for Scene Description (BIFS) in order to fully describe the composition of complex scenes built from both 2D and 3D objects (Specification 4).

4. The decoding method comprises a processing operation, including describing a complex scene, built from any kind of bidimensional and tridimensional objects, according to a framework integrating both bidimensional and tridimensional features and unifying the composition and representation mechanisms of the scene structure (Specification 4-5).

*Crinon*

5. Crinon teaches an MPEG-4 video system that includes a plurality of frames of video each of which is defined by a plurality of scene elements. A sending device sends the frame of video, including its scene elements, first auxiliary data, and second auxiliary data to a receiving device (col. 3, ll. 41-50).

*Dictionary definition of "three-dimensional"*

6. "Three-dimensional" is defined as "having, or seeming to have, the dimension of depth as well as width and height." *Dictionary.com Unabridged (v 1.1)*. Random House, Inc.  
[http://dictionary.reference.com/browse/three dimensional](http://dictionary.reference.com/browse/three%20dimensional) (accessed: March 14, 2008).

PRINCIPLES OF LAW

Anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of

the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

Our reviewing court states that “claims must be interpreted as broadly as their terms reasonably allow.” *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989). Our reviewing court further states that “the words of a claim ‘are generally given their ordinary and customary meaning.’” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc)(internal citations omitted). The “ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.” *Id.* at 1313. The description in the specification can limit the apparent breadth of a claim in two instances: (1) where the specification reveals a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess; and (2), where the specification reveals an intentional disclaimer, or disavowal, of claim scope by the inventor. *Id.* at 1316.

#### ANALYSIS

Appellants argue that the Examiner erred in rejecting claim 1 because Crinon only addresses three dimensional scenes when describing a complex scene (Br. 4). Because Appellants’ claim calls for “integrating both bidimensional and tridimensional features,” Crinon’s failure to teach “solving the description of a mixed 2D/3D scene” (Br. 5) means that Crinon cannot anticipate the subject matter of claim 1.

The Examiner contends that because the claim recites “describing a complex scene, built from *any kind* of bidimensional and tridimensional objects” (emphasis added), the claim may be met by a scene built of only bidimensional objects, only tridimensional objects, or a combination of the two, and further that because “bidimensional” and “tridimensional” are not defined in the Specification, the terms are not necessarily limited to spatial dimensions (Ans. 4-5).

We agree with Appellants. The Specification makes clear the nature of Appellants’ invention. Appellants first describe the state of the art for encoding and decoding so-called “3D” video, specifically the MPEG-4 standard (Specification 1). Next, “fundamental differences” between a purely 2D scene, a purely 3D scene, and a mixed 2D/3D scene are discussed (FF 2). Ultimately, Appellants pronounce the object of their invention: “to propose an enhancement of the BIFS in order to fully describe the composition of complex scene built from both 2D and 3D objects” (FF 3).

Reading the claim in light of the Specification, therefore, it is clear that the phrase “integrating both bidimensional and tridimensional features” means that both bidimensional features and tridimensional features must be present, contrary to the Examiner’s assertion that the earlier phrase “describing a complex scene, built from any kind of bidimensional and tridimensional objects,” is broad enough to encompass a set restricted to only 2D objects, or a set restricted to only 3D objects (Ans. 4).

The Examiner asserts that the terms “bidimensional” and “tridimensional” are not defined in the Specification, and offers a broad definition of the terms, not limited to spatial values (Ans. 4). In the absence

of a specific definition from Appellants, we must consider (under *Phillips, supra*) the meaning of the terms to one of ordinary skill in the art at the time of the invention. “Three-dimensional” is defined as “having, or seeming to have, the dimension of depth as well as width and height” (FF 6). We therefore find that the person having ordinary skill in the art would understand “bidimensional” and “tridimensional” to be limited to spatial concepts (height, width, depth). The Examiner concedes that “Crinon teaches the use of MPEG-4 to describe a three dimensional scene” (Ans. 4).

Because the Examiner does not contest Appellants’ argument that Crinon is not directed to two dimensional objects or scenes, and because we find that “dimensionality” refers to spatial concepts, we are persuaded that the Appellants have shown error in the Examiner’s rejection of claim 1 under 35 U.S.C. § 102.

#### CONCLUSION OF LAW

We conclude that Appellants have shown that the Examiner erred in rejecting claim 1. On the record before us, claim 1 has not been shown to be unpatentable.

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DECISION

The Examiner's rejection of claim 1 is reversed.

REVERSED

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