UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PHILIPPE GENTRIC and YVES RAMANZIN

Appeal 2008-0671
Application 10/502,729
Technology Center 2600

Decided: July 10, 2008

Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO, and ANITA PELLMAN GROSS, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1 through 10, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants' invention relates to a method of encoding streams of data with different bit rates. By determining common values for decoding

parameters for a group of streams and decoding the streams with the common parameter values, the decoder can decode several streams, switching from one stream to another, without having to re-initialize the decoding parameters each time. *See generally* Spec. 2:7-32. Claim 1 is illustrative of the claimed invention, and it reads as follows:

> 1. A method of streaming multimedia data over a network having a variable bandwidth, the method comprising:
>
> encoding data coming from a multimedia source,
>
> supplying a set of encoded streams formed with stream elements containing encoded multimedia data, each encoded stream being encoded at a different predetermined bit rate,
>
> determining common values for at least a part of the decoding parameters suitable for at least a group of streams of various predetermined bit rates within the set of encoded streams so that a decoder can use the common decoding parameter values for decoding all stream elements from all streams within the group of streams, and
>
> building the group of streams to which common decoding parameter values are assigned.

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

van der Schaar US 6,501,797 B1 Dec. 31, 2002

MPEG-4 Specification, §§ 6.2.3-6.3.5.

Claims 1 and 6 through 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by van der Schaar.

Claims 2 through 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over van der Schaar in view of MPEG-4 Specification.

We refer to the Examiner's Answer (mailed April 18, 2007) and to Appellants' Brief (filed February 18, 2007) and Reply Brief (filed June 14, 2007) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will reverse both the anticipation rejection of claims 1 and 6 through 10 and also the obviousness rejection of claims 2 through 5.

OPINION

The Examiner asserts (Ans. 3) that van der Schaar shows in Figure 3 determining common values A, B, and C for at least some of the decoding parameters suitable for a group of streams of various bit rates, as recited in each independent claim. Appellants explain (Br. 8-9) that van der Schaar discloses monitoring parameters at the base layer and using the parameters to modify an allocation of an enhancement layer video for each frame. However, Appellants contend (Br. 8-9 and Reply Br. 2-3) that van der Schaar fails to teach determining common values for at least some of the decoding parameters. The issue, therefore, is whether van der Schaar discloses determining common values for decoding parameters suitable for a group of streams of various bit rates.

Van der Schaar discloses (col. 7, ll. 41-54) that labels A, B, and C in Figure 3 indicate that the base layer parameter monitor may receive base layer bit rate parameters, base layer quantization error parameters, and base layer motion parameters, respectively. The base layer parameter monitor outputs signals which adjust or modify the operation of the enhancement rate

allocator circuit. *See* col. 7, l. 64-col. 8, l. 3. Thus, van der Schaar discloses decoding parameters. However, nowhere does van der Schaar teach determining common values for the decoding parameters. Accordingly, van der Schaar does not anticipate claims 1 and 6 through 10, and we cannot sustain the anticipation rejection of claims 1 and 6 through 10.

With regard to claims 2 through 5, the Examiner has provided no line of reasoning as to why determining common values for at least part of the decoding parameters would have been obvious in view of van der Schaar. Further, the MPEG-4 Specifications relied upon by the Examiner fail to cure the deficiency of van der Schaar. Therefore, we cannot sustain the obviousness rejection of claims 2 through 5.

ORDER

The decision of the Examiner rejecting claims 1 and 6 through 10 under 35 U.S.C. § 102 and claims 2 through 5 under 35 U.S.C. § 103 is reversed.

REVERSED

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