

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte I-JONG LIN

Appeal 2008-0695¹
Application 10/137,518
Technology Center 2100

Decided: July 25, 2008

Before JAMES D. THOMAS, JEAN R. HOMERE, and
JAY P. LUCAS, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ Filed Apr. 30, 2002. The real party in interest is Hewlett-Packard Development Co.

STATEMENT OF CASE

Appellant appeals under 35 U.S.C. § 134 from a final rejection of claims 1 through 13. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

The Invention

Appellant invented a method and system for providing a low-bit rate bi-directional distribution of a real-time slide presentation. (Spec. 2.) As depicted in Figures 3 through 5, a camera (13) captures the real-time slide presentation to generate a captured image signal (13A). Upon receiving the image signal, a computer (12) generates three synchronized overlayed replayable bitstreams (15A). The first bitstream (11A) corresponds to an image of each of the plurality of slides; the second bitstream (60A) corresponds to symbolic representations of the presenter's interaction with each captured slide; and the third bitstream (14A) corresponds to an audio signal of the captured presentation. (*Id.* 4-5.)

Claim 1 further illustrates the invention. It reads as follows:

1. A distributed real-time presentation system wherein the real-time slide presentation is displayed by a computer controlled display system, the distributed system comprising:

means for capturing the real-time slide presentation at a presentation location and generating synchronized overlay replayable bitstreams including at least a first bitstream corresponding to an image of each of a plurality of slides of the presentation, a second bitstream corresponding to symbolic representations of a presenter's interaction with each slide captured during the presentation, and a third bitstream corresponding to an audio signal captured during the presentation;

at least one viewing location including a means for receiving, playing, and viewing the bitstream during the presentation and means for transmitting a

user generated displayable digital signal during the presentation, the digital signal having a corresponding displayable visual representation;

means for receiving the digital signal and combining it with the first bitstream at the presentation location wherein the visual representation of the displayable digital signal is displayed during the presentation and is incorporated into the replayable bitstream.

The Examiner relies upon the following prior art:

Sutton US 6,595,781 B2 Jul. 22, 2003
(Filed Jun 20, 2001)

The Examiner rejects the claims on appeal as follows:

Claims 1 through 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sutton.

FINDINGS OF FACT

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

Sutton

1. Sutton discloses a computer-based apparatus for capturing, compiling, producing, and distributing a real-time slide presentation in digital form. (Col. 4, ll. 59-62.)
 2. As shown in Figure 2, the movements and expressions of the presenter (1) are captured by video cameras (7, 13) and microphones (6). The captured data is stored in digital form in a storage medium (8). (Col. 7, l. 64- col. 8, l. 4.)
 3. Sutton discloses a digitizing board or electronic drawing table (3) for capturing the presenter's notes, sketches, equations, and other

information that are displayed within a particular slide during the presentation. The captured data is also stored in digital form in the storage device (8). (Col. 8, ll. 31-35, col. 9, ll. 45-53.)

4. Sutton further discloses a computer (29) for synchronizing and integrating the captured digital content to thereby transfer it to a storage medium such as a hard drive, CD or a DVD. Alternatively, the captured presentation data is distributed electronically to other computers via a network. (Col. 11, ll. 23-36.)

PRINCIPLES OF LAW ANTICIPATION

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992). “Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference.” *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999) (“In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.”) (Internal citations omitted).

ANALYSIS

35 U.S.C. § 102

Independent claim 1 recites in relevant part “a second bitstream corresponding to symbolic representations of a presenter’s interaction with each slide captured during the presentation.” (App. Br. 21.) Appellant argues that Sutton does not teach the recited limitations, as defined in Appellant’s Specification. (App. Br. 18-19.) Particularly, Appellant argues that Sutton teaches a digitizing board for generating and capturing the presenter’s notes and sketches on a slide as opposed a digital symbol that points to a particular location on the slide. (*Id.*)

The Examiner, in response, finds that Sutton’s generated notes and sketches positioned on the slide teach the claimed symbolic representations of the presenter’s interaction with the slide during the presentation. (Ans. 6-8.)

Thus, the pivotal issue before us is whether one of ordinary skill in the art would find that Sutton’s generated notes, sketches and formulas positioned on a slide teach symbolic representations of the presenter’s interaction with the slide during the presentation. We answer this inquiry in the affirmative.

We begin by considering the scope and meaning of “symbolic representations of the presenter’s interaction with each slide captured during presentation,” which must be given its broadest reasonable interpretation consistent with Appellant’s disclosure, as explained in *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997):

[T]he PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary

usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification.

Id. at 1054. See also *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) (stating that “claims must be interpreted as broadly as their terms reasonably allow.”)

Appellant’s Specification states the following:

For instance, referring to Fig. 3A, the presenter 10A can physically point at a point of interest 10B within a display area 10 residing between the line of sight of the image capture device and the displayed slides. *Upon physically pointing, a selected symbol (10C) is displayed within the slide at that point as shown in Fig. 3B. This predetermined symbol is referred to herein as a symbolic representation of the presenter interaction.* (Emphasis added.)

(Spec. 5, para. 0019.)

Our reviewing court further states, “the ‘ordinary meaning’ of a claim term is its meaning to the ordinary artisan after reading the entire patent.”

Phillips v. AWH Corp., 415 F.3d 1303, 1321 (Fed. Cir. 2005).

Upon reviewing Appellant’s Specification, we find that the symbolic representations of the presenter’s interaction with a slide are fairly defined as predetermined symbols, which were selected to be displayed at a point of interest within the slide. Since the claim recites a plurality of “symbolic representations,” we broadly construe the cited limitation at issue to mean that each slide may include two or more symbolic representations of the presenter’s interaction during the presentation. Thus, the claimed limitation at issue here requires that the second bitstream correspond to a plurality of predetermined symbols, each of which was selected to be displayed at a point of interest within the slide.

As detailed in the Findings of Facts section above, Sutton discloses a digitizing board for generating and displaying the presenter's notes, sketches and formulas within a particular slide. (FF. 3.) Sutton further discloses storing the generated sketches and notes in digital form in a storage medium. (*Id.*) One of ordinary skill in the art would readily recognize that the disclosed sketches and formulas within the slide are symbols² since they are marks that designate an object, a quantity, a function or operation within the slide. The ordinarily skilled artisan would also recognize that those symbols are predetermined since the presenter has to know or select ahead of time each particular symbol before displaying it on the slide. Further, the ordinarily skilled artisan would recognize that the symbols are digital since they are stored in digital form. Additionally, the ordinarily skilled artisan would recognize that the presenter places each of these predetermined symbols in a selected area of the slide, preferably an area that does not already have educational content thereon. Therefore, the ordinarily skilled artisan would find that Sutton teaches placing predetermined symbols in areas of interest within a presentation slide.

Appellant further argues that the Sutton reference "teaches away" from the invention as claimed. (App. Br. 19.) We find Appellant's "teaching away" argument is misplaced, because the Examiner has rejected the claims under 35 U.S.C. § 102. Our reviewing court has determined that "[t]eaching away is irrelevant to anticipation." *Seachange International, Inc., v. C-Cor, Inc.*, 413 F.3d 1361, 1380 (Fed. Cir. 2005).

² A symbol is defined as a letter, figure, emblem, sign or other conventional mark designating an object, quantity, operation, or function. Random House Webster's College Dictionary, 1353, 1995.

We therefore agree with the Examiner that, as defined in Appellant's Specification, Sutton teaches a second bitstream corresponding to symbolic representations of a presenter's interaction with each slide captured during the presentation. It follows that Appellant has failed to show that the Examiner erred in finding that Sutton anticipates independent claim 1.

Appellant does not provide separate arguments with respect to the rejection of claims 2 through 13. Therefore, we select claim 1 as being representative of the cited claims. Consequently, claims 2 through 13 fall together with representative claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

CONCLUSION OF LAW

Appellant has not shown that the Examiner erred in finding that Sutton anticipates claims 1 through 13 under 35 U.S.C. § 102(e).

DECISION

We affirm the Examiner's rejections of claims 1 through 13.

Appeal 2008-0695
Application 10/137,518

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

AFFIRMED

pgc

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins CO 80527-2400