

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAMOTSU YAMAGAMI, YOICHIRO
SAKO and MASANOBU YAMAMOTO

Appeal No. 95-0355
Application 08/022,561¹

ON BRIEF

Before McCANDLISH, Senior Administrative Patent Judge, and
ABRAMS and FRANKFORT, Administrative Patent Judges.

McCANDLISH, Senior Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the examiner's final rejection of claims 8 and 10 under 35 U.S.C. § 103.² No other

¹ Application for patent filed February 25, 1993. According to appellants, the application is a division of Application 07/689,057, filed April 22, 1991, now Patent No. 5,587,901, granted December 24, 1996.

² A minor amendment to claim 8 as filed after the final rejection has been entered by the examiner.

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claims are pending in the application.

The subject matter here claimed relates to a method for reproducing main information data on a recording track previously formed on an optical recording medium (e.g., a magneto-optical disc) wherein the main information data is contained in frames, wherein each frame has a predetermined signal format including a frame sync signal format, and wherein reproduce-only frame sync signals having the same signal format as that of frame sync signals for the main information data are previously recorded for each frame by offsetting the recording track in a direction perpendicular to the length direction of the track. Appealed claim 8, the only independent claim on appeal, recites the steps of detecting the offset of the recording track to produce a first signal representative of the reproduce-only frame sync signals, reproducing from the recording medium a second signal corresponding to the main information data, and then using a single demodulating and decoding circuit (53-55) to demodulate and decode the detected first signal and the reproduced second signal to reproduce the frame sync signals of the main

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information data and the frame sync signals recorded by offsetting the recording track.

A copy of the appealed claims is appended to appellant's brief.

The following references are relied upon by the examiner as evidence of obviousness in support of his rejection under 35 U.S.C. § 103:

Ogawa et al. (Ogawa)	5,185,732	Feb. 9, 1993 (filed Jun. 19, 1989)
Rijnsburger (European Patent)	0 299 573	Jan. 18, 1989

Claims 8 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ogawa in view of Rijnsburger. The examiner's position follows:

Ogawa et al. discloses [sic, disclose] the invention as claimed (see specifically the disclosure in reference to figs. 1, 3,

& 6), but does [sic, do] not teach that the previously formed offset information 4 is the frame synch [sic, sync] signals. The reference actually teaches that the offset information 4 is the frame address information. However, Rijnsburger discloses in reference to figs. 3a-c that the synch [sic, sync] signals can be previously formed offset information, in the same field of endeavor, for the purpose of increasing the information capacity of the recording medium.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further include the frame synch [sic, sync] signals of Ogawa et al. within [sic, with] the information 4 previously formed as offset information on the recording medium, as taught by Rijnsburger. A practitioner in the art would have been motivated to do this in order to further increase the information capacity of the recording medium.

* * *

By stating that the frame sync signals would be included within the information 4 previously formed as offset information, the examiner was merely alleging that it would have been obvious to additionally form the sync signals as offset information. [Answer, pages 2-4.]

With particular regard to the claimed step of utilizing a single demodulating and decoding circuit to demodulate and

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decode the claimed first and second signals, the examiner states on page 6 of the answer that "[t]he single demodulating and decoding circuit . . . is interpreted . . . to be the circuit of fig. 4 within [sic, in?] Ogawa et al..?"

In addition to disputing the examiner's position regarding the step of utilizing a single circuit to demodulate and decode the claimed first and second signals, appellants advance the following arguments in support of patentability:

Ogawa, et al. disclose varying the track width to record the addresses 4 of blocks of signals. There is no disclosure in Ogawa et al. of any track offsetting to prerecord any sync signals, much less any frame sync signals. Rijnsburger's Figs. 3a-c, at best, disclose offsetting the track width to denote a "sync" signal 43 which denotes the beginning of each position-information code. Page 4, lines 8-24. The offsetting sync signal 43, even if incorporated into Ogawa, et al.'s block data (comprising 98 frames) would still not produce a recording medium on which reproduce-only frame sync signals having the same signal format as that of frame sync signals for the main information data are previously recorded for each frame by offsetting the recording

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track.

There is no disclosure that the sync signal 43 has the same signal format as that of any frame sync signals for the main information data. In fact, there is no disclosure that the main information data is even organized into frames or that it has frame sync signals at all. [Reply brief, page 2.]

The examiner's rejection of the appealed claims is untenable. Figure 4 of Ogawa's drawings shows a photodetector circuit which mainly comprises a four segment detector 10 composed of four photodetectors A, B, C and D for detecting the optical readout of information photo-magnetically recorded on a recording track 3 of a recording disc to produce a data signal RF and an address information signal ADR from the available signal and data information on the recording track of the disc. In appellants' system, the single demodulation and decoding circuit shown in Figure 6 of appellants' drawings does not correspond to Ogawa's photodetector circuit. Instead, it is connected through a selector switch 51 to the photodetector circuit which detects the optical pickup from the track on the recording medium.

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Thus, in appellants' invention, the single demodulating and decoding circuit demodulates and decodes a first signal, which has already been detected by an optical detector, and a second signal which is reproduced from the recording medium. In contrast, there is no disclosure in Ogawa that the signals detected by Ogawa's photodetector circuit 10 are subsequently demodulated and decoded by any particular circuit, let alone a single demodulating and decoding circuit as required in claim 8. The Rijnsburger reference does not rectify this deficiency of Ogawa. For these reasons alone, we cannot sustain the § 103 of claims 8 and 10.

The examiner's decision rejecting appealed claims 8 and 10 is therefore reversed.

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REVERSED

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HARRISON E. McCANDLISH, Senior))
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