

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEOFFREY B. RHOADS

Appeal No. 2001-0922
Application No. 09/408,886

ON BRIEF

Before HAIRSTON, KRASS, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

ON REQUEST FOR REHEARING

Appellant has requested a rehearing of our April 30, 2003 decision to affirm the 35 U.S.C. § 102(e) rejection of claims 1, 6, 7, 12, 15, 17 and 19.

Appellant argues (request, pages 1 and 2) that "the decision (1) misapprehended the structure of the image of Figure 2 of Powell, (2) overlooked that claim 1 requires plural blocks of embedded data to be uniformly arrayed, (3) overlooked that claim 7 requires encoding auxiliary data in a tiled fashion, both

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vertically and horizontally and (4) overlooked that claim 12 requires tiling a block of Auxiliary Data Elements repetitively across the image so that each auxiliary data element in each of said blocks corresponds to one of said image elements."

Powell makes clear (Abstract; column 1, line 67 through column 2, line 2) that the embedded signature within an image "is redundantly embedded in the image such that any of the redundant representations can be used to identify the signature" (emphasis added). "[A] data bit is encoded at each signature point" (column 1, lines 65 and 66). According to Powell, the signature points may be anywhere within an image (column 3, lines 41 and 42), including "randomly and widely spaced" (column 4, lines 43 and 44), "in regular patterns" (column 4, line 45), and the computer 12 can be programmed to choose signature points "according to a preprogrammed pattern" (column 4, lines 58 through 60). If the signature points are embedded in a regular and widely spaced pattern across the image in Powell, then the embedded signatures in Powell require "plural blocks of embedded data to be uniformly arrayed" across the image as required by claim 1 on appeal. Thus, we disagree with the appellant's argument that the Board misapprehended the structure of the image

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disclosed by Powell. Based upon the noted teachings of Powell, we find that Powell clearly discloses "encoding said auxiliary [data] in tiled fashion, both vertically and horizontally" as required by claim 7 if the embedded signatures in Powell are in a regular and widely spaced pattern across the image. With respect to claim 12, each of the embedded signature points in the image in Powell "corresponds to one of said image elements" (column 2, lines 34 through 50).

Appellant's request has been granted to the extent that our decision has been reconsidered, but such request is denied with respect to making any modifications to the decision.

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

REHEARING
DENIED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	

KWH/hh

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DIGIMARC CORPORATION
19801 SW 72nd AVE.
STE. 100
TUALATIN, OR 97062