

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** SCOTT ALAN CORBIN

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Appeal No. 2001-1815  
Application 08/924,865

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ON BRIEF

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Before THOMAS, BARRETT, and FLEMING, **Administrative Patent Judges**.

FLEMING, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of claims 1 through 7, all of the claims pending in the instant application.

**Invention**

The invention relates to a camera positioning system, typified by a stationary mounted camera having an adjustable field of view. See page 1 of Appellant's specification. Figure

1 shows a camera positioning system situated in a typical security environment. A camera 110 is mounted in an enclosure 120 which is situated in an overhead structure 190, such as a carport adjacent a parking area. See page 4 of Appellant's specification. The camera's angle of view can be adjusted by changing the camera's magnification or level of zoom. See page 5 of Appellant's specification. The combination of line of sight and angle of view determines a camera's field of view. See page 5 of Appellant's specification. Figure 1 shows vehicles 181, 182, and 183 as well as a person 184 within the area potentially viewable by the camera 110. Whether the objects are actually within the view of the camera is determined by the camera's field of view, which is determined by its line of sight and its angle of view. Figure 1 shows the camera 110 being positioned with a line of sight L. About the line of sight L are three angles of view A, B, and C. If the camera has an angle of view A, the camera's field of view will encompass the items between lines A1 and A2. Thus, at angle of view A, the vehicle 181 and the person 184 are not in the view of the camera. At angle of view B, the camera's field of view encompasses the items between B1 and B2, and therefore each of the vehicles 181, 182, and 183 will be in

the view of the camera. Also within the view of the camera at angle of view B is the edge 191 of the overhead structure 190. See page 6 of Appellant's specification.

Conventionally, camera positioning systems contain one or more "stops" as to the extent of rotation of the camera, to prevent the camera's field of view from extending significantly into areas having no useful security information. If such a stop were employed, the field of view at angle of view B could be considered optimal with regard to the amount of useful security information at this angle of view, because only a minimal portion of the overhead structure 190 is present in the field of view. See page 8 of Appellant's specification. As the angle of view changes, the stops which limit the rotation of the camera are set to effect the appropriate lines of sight. For example, in figure 1, the stops will be set to lines of sight L and L', respectively when the camera is set to angles of views B and C. See page 9 of Appellant's specification.

Figure 4 shows a flowchart for dynamically adjusting a camera positioning stop limit based upon a geometric model. The determination of the stop corresponding to a particular angle of view can be accomplished algorithmically or empirically. The

appropriate line of sight limit can be determined by bisecting the angle of view when the extent of the view is aligned with the edge of the bounding area. Figure 4 shows a flowchart for effecting this algorithmic determination for determining the predetermined stop. See page 12 of Appellant's specification.

Figure 5 shows a flowchart for dynamically adjusting a camera positioning stop limit based upon a set of calibration data. In figure 5a, the user calibrates the positioning system for optimized views. See page 15 of Appellant's specification. In general, any number of calibration points can be entered, but the minimum number of calibration points is two. See page 16 of Appellant's specification.

Independent claim 1, present in the application, is reproduced as follows:

1. A camera positioning system for positioning a camera with an adjustable field of view, which camera positioning system minimizes the inclusion of a bounding area within said field of view, said bounding area having a bounding edge,

said camera having a line of sight and an angle of view, said line of sight and angle of view defining said camera's field of view,

said field or view having a definable perimeter having at least one perimeter edge,



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It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See *In re King***, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.***, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

"Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention." ***RCA Corp. v. Applied Digital Data Sys., Inc.***, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.), ***cert. dismissed***, 468 U.S. 1228 (1984), ***citing Kalman v. Kimberly-Clark Corp.*** 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983). Furthermore, "[t]o establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by person of ordinary skill.'" ***In re Robertson***, Slip Op 98-1270 (Fed. Cir. February 25, 1999) ***citing Continental Can Co. v. Monsanto Co.***, 948 F.3d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain

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thing may result for a give set of circumstances is not sufficient." *Id. Citing Continental Can Co.*, 948 F.3d at 1269, 20 USPQ2d at 1749 (Fed. Cir. 1991).

Appellant argues that Oyashiki fails to anticipate all the limitations recited in Appellant's claims. Appellant argues that Oyashiki neither expressly nor impliedly teaches "camera's line of sight being limited at a predetermined stop," as recited in claims 1-6. Furthermore, Appellant argues that Oyashiki neither expressly nor impliedly teaches "limiting the position of the [sic, said] camera to the [sic, said] predetermined stop limit," as recited in claim 7. See pages 4 and 5 of Appellant's brief.

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." *In re Hiniker Co.*, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998).

We must determine what is meant by "predetermined stop." For interpretation of this claim limitation, we refer to Appellant's specification. The specification makes clear that the stops are intended to limit the rotation of the camera and that the stops are calculated and set before the normal operation of the camera. This is evidenced from the disclosure of

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flowcharts found in figures 4 and 5. Furthermore, Appellant argues that the reason for using the "predetermined stop" of the present invention is to avoid checking whether every new monitoring point is in the prohibition area. See page 5 of Appellant's brief.

Turning to Oyashiki, we find that Oyashiki teaches that the stops are calculated every time a new monitoring point is determined. In particular, in column 6, lines 22 through 39, and figures 9 and 10, Oyashiki clearly discloses that it is determined whether or not the new monitoring point is in a prohibited area. In particular, Oyashiki teaches in column 6, lines 28 through 33, that if it is determined that the coordinates are in the monitoring prohibition area, the subsequent operation is stopped, and an alarm is generated or likewise attention is invoked. Alternately, the revolution angle is corrected as described in step S8. Therefore, Oyashiki does not teach that the "camera's line sight being limited at a predetermined stop" as recited in Appellant's claims 1 through 6 nor does Oyashiki teach "limiting the position of said camera to said predetermined stop limit" as recited in Appellant's claim 7.

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In view of the foregoing, we have not sustained the  
Examiner's rejection of claims 1 through 7 under 35 U.S.C. § 102.

**REVERSED**

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	

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