

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JIE LIANG,
STEPHEN HSIAO-YILI, RAJENDA K. TALLURI,
FRANK L. LACZKO and PAUL Y. CHIANG

Appeal No. 2003-2086
Application 09/089,290

ON APPEAL

Before HAIRSTON, JERRY SMITH, and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 5.

The disclosed invention relates to a method of decoding video containing predicted frames.

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Anticipation is only established when a single prior art reference discloses every limitation of the claimed invention, either explicitly or inherently. Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047, 34 USPQ2d 1565, 1567 (Fed. Cir.), cert. denied, 516 U.S. 988 (1995). The examiner has made findings (final rejection, page 3) that Civanlar discloses all of the limitations of claim 1. Appellants argue (brief, page 3) that "Civanlar item 401 is a partitioned buffer containing plural images of varying resolution but which are treated as a single image by standard MPEG decoder 402 and decoded as such (column 11, lines 50-60)." Stated differently, "MPEG decoder 402 does not change decoding resolution during its decoding as required by claim 1" (brief, page 3).

In response to appellants' arguments, the examiner states (answer, page 4) that:

. . . it is noted that the features upon which applicant relies (i.e., [MPEG decoder 402 does not] change decoding resolution during its decoding) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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With respect to the appellants' argument concerning the operation of the decoder 402, the examiner replies (answer, page 5) that:

. . . Civanlar et al discloses a decoder 402 for decoding one or more macroblocks (e.g. 1, 4, 7) of a single frame 401 in at least two different resolutions (e.g. 320 x 240 and 160 x 112). Macroblock 1 is decoded at a resolution greater than macroblock 4.

We agree with the examiner's rationale that the decoder 402 performs the claimed method. The portion of Civanlar referenced by appellants (i.e., column 11, lines 50 through 60) clearly explains that the decoder 402 decodes individual macroblocks in the stream of macroblocks from the frame buffer 401. Thus, the anticipation rejection of claim 1 is sustained. The anticipation rejection of claims 2 through 5 is likewise sustained because appellants have chosen to let all of the claims on appeal stand or fall as a single group (brief, page 3).

DECISION

The decision of the examiner rejecting claims 1 through 5 under 35 U.S.C. § 102(e) is affirmed.

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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).

AFFIRMED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
JERRY SMITH)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
LANCE LEONARD BARRY)	
Administrative Patent Judge)	

KWH:psb

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