

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YOICHI YAGASAKI

Appeal No. 1997-1203
Application 08/432,786

ON BRIEF

Before HAIRSTON, BARRETT and LALL, Administrative Patent Judges.

LALL, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claim 7, the only claim pending in the case.

The invention is directed to a motion picture encoding system. The improvement relates to the way motion video signals are encoded for sending data across signal transmission systems such as a television-telephone system. The encoding is desirable to reduce the amount of data transmitted across, for example, a telephone line. There are two common ways of encoding motion picture video signals for transmission to remote places, namely, inter-frame encoding and intra-frame encoding. An intra/inter-frame discriminator is adapted to respond to an index indirectly indicating the generated data quantity as the subject of comparison. The subject of comparison is the sum of the absolute values of pixel data in the frames to be encoded. First, for encoding a target frame, inter-frame difference data is calculated in preparation for the inter-frame encoding. The difference data is detected on the basis of continuous inter-frame pixel data calculated in an average value separation circuit and the absolute value summation circuits, and is used as an index indirectly representing the quantity of data generated in inter-frame encoding. The sum of the absolute values is

obtained for the whole frame. Then, for the sake of comparison, another difference data is calculated by subtraction of the DC (low frequency) component in the frame for use as the index indirectly indicating the quantity of generated data for intra-frame encoding. This quantity is then compared with the quantity of data for the inter-frame encoding and if the quantity of data for the inter-frame encoding is less than intra-frame encoding, the target frame is inter-frame encoded, otherwise it is intra-frame encoded. The sole claim 7 is reproduced as follows:

7. A motion picture encoding system for either intra-frame encoding or inter-frame encoding a motion picture which includes a sequence of frames, comprising:

a first encoding means for encoding at least a portion of the motion picture by said intra-frame encoding;

a second encoding means for encoding at least a portion of the motion picture by said inter-frame encoding;

means for subtracting a low-frequency component from an intra-frame difference signal for a frame and producing a first absolute sum signal as a result of the subtracting;

means for producing a second absolute sum signal of

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inter-frame difference data for a frame; and

means for comparing the first absolute sum signal with the second absolute sum signal and selecting the first encoding means if the second absolute sum signal is greater than the first absolute sum signal and otherwise selecting the second encoding means.

The Examiner relies on the following reference:

Hatori et al. (Hatori) 4,837,618 Jun. 6, 1989

Claim 7 stands rejected under 35 U.S.C. § 102 as being anticipated by Hatori.

Rather than repeat the arguments of Appellant and the Examiner, we make reference to the brief and the answer for the respective details thereof.

OPINION

We have considered the rejection advanced by the Examiner and the supporting arguments. We have, likewise, reviewed the Appellant's arguments set forth in the brief. It is our view that claim 7 is anticipated by Hatori. Accordingly, we affirm. In our analysis, we are guided by the precedence of our reviewing court that the limitations from the

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disclosure are not to be imported into the claims. In re Lundberg, 244 F.2d 543, 113 USPQ 530 (CCPA 1957); In re Queener, 796 F.2d 461, 230 USPQ 438 (Fed. Cir. 1986). We are also mindful of the requirements of anticipation under 35 U.S.C. § 102. We must point out, however, that anticipation under 35 U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention. See RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984), cert. dismissed, 468 U.S. 1228 (1984). Furthermore, only those arguments actually made by Appellant have been considered in making this decision. Arguments which Appellant could have made but chose not to make in the briefs have not been considered [37 CFR § 1.192(a)].

Analysis

Claim 7 is rejected under 35 U.S.C. § 102 as being anticipated by Hatori. The Examiner gives a detailed explanation of the anticipation rejection [answer, pages 3 to

4] and particularly points out that "[Hatori shows] means for subtracting a low frequency component from an intra-frame difference signal for a frame and producing a first absolute sum signal of a result of the subtracting (see S(picture), 201-203, 205, 206 of Figure 6A); ... " [id. 4]. Appellant disputes this [brief, pages 5 to 7]. Appellant argues [id. 5] that "[t]he Examiner admits that element 205 of Figure 6A of Hatori subtracts an 'average' signal which by definition is not limited to subtracting a 'low frequency' component [as called for by the claim]." Appellant further argues [id. 6] that "[n]one of the

elements pointed to by the Examiner perform[s] a 'subtraction of low frequency components.'" The Examiner counters [answer, pages 5 and 7] that:

[T]he delayed intraframe signal S(PICTURE) at the output of 203 of Figure 6A essentially includes low, intermediate, and high frequency components ... that is being subtracted from intraframe difference signal S(202) of Figure 6A of Hatori in order to determine intra/inter-frame selections. Since the low frequency component ... is included in the subtraction (i.e., 205 of Figure 6A of Hatori), it is the Examiner's opinion that the particular subtraction means as claimed in claim 7 is being anticipated by Hatori." [id. 5].

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We agree with the Examiner that Hatori, in Figure 6A, does show the subtraction means 205 wherein signal S(203) is being subtracted from the intra-frame difference signal S(202). Furthermore, we concur with the Examiner that the signal S(203) contains a low frequency component, even though it may contain components of other frequencies. We also note that the claim does not restrict the signal being subtracted to one having only a low frequency component. Appellant's arguments regarding the "average of frequency components" [brief, page 6] and 'inherently including a low frequency component' [id] are not convincing and they do not overcome the Examiner's rejection. Thus, we sustain the anticipation rejection of claim 7 over Hatori.

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

AFFIRMED

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	KENNETH W. HAIRSTON)	
	Administrative Patent Judge)	
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	LEE E. BARRETT)	BOARD OF
PATENT	Administrative Patent Judge)	APPEALS AND
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