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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte ROGER PETERSON

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Appeal No. 1997-2704
Application 08/363,607[1]

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ON BRIEF

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Before THOMAS, KRASS and FLEMING, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 45, all of the claims pending.

[1] Application for patent filed December 23, 1994.

The invention is directed to a method and apparatus for conducting a police investigation by a police officer in a police car. The police officer has a portable clipboard having thereon a portable video camera, transmitter and receiver, as well as a dead man switch for indicating when the officer is in trouble. The clipboard communicates with a unit within the police car which, in turn, is also in communication with a base station. Thus, real time video pictures of the current situation can be sent to a base station for observation and data and responses thereto can be communicated between the officer and personnel at the base station.

Representative independent claim 35 is reproduced as follows:

35. A portable apparatus used by a police officer in a police car wherein the portable apparatus is carried by the police officer on emerging from the car, the apparatus comprising:

(a) a hand held housing enclosing a power supply wherein the power supply is selectively connected to and disconnected from the power system of the police car;

(b) a video camera within said housing forming a video image

(c) a digital data input device within said housing;

(d) a transmitter connected to the video camera and the digital data input device for transmitting a video signal and digital data from said housing to the police car for reception; and

(e) a recorder recording the received video and digital data transmission on a cassette wherein the video recorder and cassette are out of view in the police car.

The examiner relies on the following references:

Camras	4,097,893	Jun. 27, 1978
Riley, Jr. et al (Riley, Jr.)	4,166,273	Aug. 28, 1979

Michetti	4,843,463	Jun. 27, 1989
Gerber	5,381,155	Jan. 10, 1995 (filed Jun. 9, 1994)
Roth	5,406,324	Apr. 11, 1995 (filed Oct. 30, 1992)

Claims 1 through 45 stand rejected under 35 U.S.C. 103. As evidence of obviousness, the examiner offers Camras and Roth with regard to claims 16, 22, 24, 28 and 33, adding Gerber to this combination with regard to claims 1 through 4, 8 through 12, 14, 15, 17 through 21, 23, 25 through 27, 30 through 32 and 35 through 45, and further adding Michetti with regard to claims 5 through 7 and 34. With regard to claims 13 and 29, the examiner cites Camras, Roth, Gerber and Riley.

Reference is made to the briefs and answers for the respective details of the positions of appellant and the examiner.

OPINION

We turn, first, to the rejection of independent claim 16. While not directed to police investigations, per se, Camras does disclose a portable video recording system wherein a person carries a portable video camera which can communicate, in a wireless manner, with a portable video recorder in a car. Data can then be collected in digital form by the portable video camera and transmitted to the video recorder in the car.

As recognized by the examiner, Camras does not disclose the further transmitting of that data to a remote station, i.e., the claim language, "...retransmitting to a police station the received digital data to

personnel at a remote location so that the digital data prompts a response from the police station to provide response data for the police officer." Thus, claim 16 requires a

communication between the police car and a remote location which, in turn, provides a response to the police officer. The claim further requires, inter alia, that the received response data be converted to a suitable image "by an output device carried by the police officer." Camras provides for no such communication between a car and a remote location nor does the reference provide for communication between a remote location and an individual via a device carried by that individual.

The examiner then relies on Roth, in combination with Camras. Roth is relied on for a teaching of a two-way transceiver for use in vehicles, like police cars, although the preferred embodiment is directed to identifying taxi cab passengers. More particularly, an image from a fixed camera 10, in Roth's Figure 2, is transmitted from the vehicle to a base station 28 in Figure 1. However, no response data is sent back to the vehicle in response to any inquiry from the cab driver. Rather, in Roth, image data is stored at the remote location for possible use in a criminal investigation, at a later time, if need be.

The examiner then concludes, in view of the Camras and Roth teachings, that it would have been obvious to provide a two-way radio communication between a police vehicle that receives data

from a video camera and a base station "for the same well known communications purposes as claimed" [principal answer-page 8].

Even assuming, arguendo, that all the examiner says is correct, it does not appear to us that the examiner has addressed all of the limitations of claim 16. The claim requires, in addition to the communication between the police car and the officer and between the police car and the base station, a communication between the base station and the police officer. We find nothing in the proposed combination of references which would suggest the retransmitting of the claimed received digital data to personnel at a remote base station in order to prompt a response from the base station for the police officer nor do we find anything taught in the combination of these references which would suggest the claimed "receiving the response data which is converted into a suitable image by an output device carried by the police officer." Camras does not disclose or suggest a remote base station, separate from the vehicle. Only Roth suggests a remote base station and the remote base station in Roth receives a signal and stores images. The remote base station in Roth does *not* transmit response data which is received by a police officer, or any other individual.

The examiner's further explanation [principal answer-page 16] that "...Roth may certainly

provide such a well known and recognized feature of communications" and that the communication between Camras' portable camera 260 and recording station 270 "may certainly enable one skilled in the art to provide such similar two-way communications capabilities between the vehicle and base station of Roth" sounds, to us, to be a rationale based on hindsight rather than on any particular teachings or suggestions of the applied references. While the examiner

argues that "...Roth may certainly provide and transmit any pertinent data that is significant to a police investigation which obviously may include information such as criminal record and/or a digitized file photograph of an individual..." [principal answer-page 16], we still find no persuasive rationale by the examiner for providing for the claimed "receiving the response data which is converted into a suitable image by an output device carried by the police officer." Thus, as claimed, there must be some communication from the remote base station to a portable device carried by the police officer and that communication must involve response data from the remote base station which is converted into an image by the device carried by the police officer.

Further, claim 16 requires collecting data "in digital form" and inputting data to a "carried digital data input device." That "digital data" then prompts a response from a police station. There is nothing in Camras or Roth to suggest that either of the cameras employed therein are collecting data "in digital

form." On the contrary, it would appear that the video cameras employed in these references collect image data in an analog manner. Thus, neither Camras nor Roth provides for the collection of data "in digital form" or for a "carried digital data input device," as required by claim 16.

We will not sustain the rejection of independent claim 16, or of its dependent claims 22, 24, 28 and 33, under 35 U.S.C. 103 based on Camras and Roth.

We now turn to the rejection of independent claims 1 and 35 under 35 U.S.C. 103 based on Camras, Roth and Gerber.

We also will not sustain the rejection of these independent claims since, although not requiring retransmission to a remote police station and receiving response data from such station, these claims do require, as in claim 16, a "digital data input device." Claims 1 and 35 further make it clear that the portable video camera and the digital data input device are separate entities. Accordingly, even if we were to determine that, somehow, the video cameras of Camras and/or Roth were "digital data input" devices, there would still be a claimed element missing from the combination of the references. Gerber is also directed to a video camera input device. The camera therein provides an image of a license plate to a computer which then processes that data to determine the owner of the vehicle and then

displays, on a sign, the owner's name and lets the driver know that the vehicle is exceeding the speed limit. Thus, we find nothing in Gerber which provides for the deficiencies, i.e., a "digital data input device," of Camras and Roth.

Claim 35 makes it clear that the portable apparatus carried by the police officer comprises a video camera *and* a digital data input device within the housing of the portable device and that transmitters transmit *both* a video signal *and* digital data. We find nothing in the applied references suggesting these claim limitations.

References to Michetti (applied for the teaching of a split screen) and Riley (applied for the teaching of a dead man switch) applied for different limitations of dependent claims also do not provide for the deficiencies noted supra with regard to the principal references.

Accordingly, since we find that the rejections of the independent claims under 35 U.S.C. 103 were improper, so, too, are the rejections of the dependent claims.

The examiner's decision rejecting claims 1 through 45 under 35 U.S.C. 103 is reversed.

REVERSED

JAMES D. THOMAS Administrative Patent Judge	))))) BOARD OF PATENT)) APPEALS AND)) INTERFERENCES)))
ERROL A. KRASS Administrative Patent Judge	
MICHAEL R. FLEMING Administrative Patent Judge	

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