

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAN HAISMA,
FRANCISCUS P. WIDDERSHOVEN,
and
MARNIX G. COLLET

Appeal No. 1998-3031
Application No. 08/511,507

ON BRIEF

Before THOMAS, HAIRSTON, and LALL, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 10.

The disclosed invention relates to an image processing system that enhances depth sensation of an image.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

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1. An image processing system for processing a 2-dimensional input image to create a 2-dimensional output image with enhanced depth sensation;

characterized:

- an identifier operative to select, according to a predetermined criterion, at least one area being a portion of the input image;
- a processor operative to create the output image by changing a property of the area relative to a corresponding property of a complement of the area in the input image, wherein the output image is geometrically substantially undistorted with regard to the input image.

The references relied on by the examiner are:

Jackson 1989	4,875,097	Oct. 17,
Sandor et al. (Sandor) 1992	5,113,213	May 12,
Shino 1994	5,295,199	Mar. 15,

Claims 1 through 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sandor in view of Shino and Jackson.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

The obviousness rejection of claims 1 through 10 is reversed.

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Although appellants and the examiner agree that the applied references and the claimed invention are concerned with enhanced depth sensation to two-dimensional images (Answer, pages 4 and 5; Brief, page 8; Reply Brief, pages 2 and 3), they disagree as to

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the propriety of combining the teachings of the applied references.

According to the examiner (Answer, pages 4 and 5), Sandor discloses an "image transformation apparatus and method to output 2-dimensional image with enhanced depth sensation comprising an identifier operative to select, according to a predetermined criteria, at least one area being a portion of the input image (column 1, lines 55-68 through column 2, line 6) and a processor (figure 4, element 102) operative to create the output image." Beyond the mention of 2D, the referenced portion of Sandor does not bear any resemblance to the disclosed and claimed invention. Accordingly, we agree with the examiner's conclusion (Answer, page 5) that "Sandor is silent about changing a property of the area relative to a corresponding property of a complement of the area in the input image and the output image being geometrically undistorted with regard to the input image."

The examiner continues by stating (Answer, page 5) that "[i]n the same field of endeavor, however, Shino discloses changing a property of the area relative to a corresponding property of a complement of the area in the input image

(figure 2, elements 151-153).” The examiner has not explained the relevance of Shino’s planar surface lighting generator 151, intermediate lighting generator 152 and curved surface lighting generator 153 to the disclosed and claimed invention. Shino certainly does not teach that the lighting generators change a property of a selected area of an input image relative to a corresponding property of a complement of the area in the input image.

Jackson may disclose “a perspective processing of a video signal comprising a processor operative to create the output image wherein the output image is geometrically undistorted with regard to the input image (figures 1a-1e)” (Answer, page 5), but this teaching has no relevance to the requirement of the claimed invention that an area of an input image be selected, and that a property of that area be changed relative to a corresponding property of a complement of that area of the input image.

Based upon the foregoing, we agree with the appellants’ arguments (Brief, page 9) that “it is not clear how the collection of multiple interleaved input images in Sandor could be combined with the single image processing of Shino

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and the foreground and background processing in Jackson," that the obviousness rejection appears to be based on hindsight, and that "unrelated prior art references have been put together in an unworkable combination."

DECISION

The decision of the examiner rejecting claims 1 through 10 under 35 U.S.C. § 103 is reversed.

REVERSED

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JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
KENNETH W. HAIRSTON))
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
PARSHOTAM S. LALL)	
Administrative Patent Judge)	

KWH:hh

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