

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREW J. SMITH and LESLIE R. WILSON

Appeal No. 1999-1442
Application No. 08/610,681

ON BRIEF

Before HAIRSTON, LALL, and LEVY, 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 claims 1 through 6, and 13 through 19. Claims 7 through 12 have been cancelled.

The disclosed invention is directed to a method and system whereby a pseudo 3D rendering mechanism generates pseudo 3D rendered virtual images. The images are generated using only 2D prerendered views of the 3D objects which are to

be displayed.

When the viewing orientation of a user within the virtual image shifts from one viewing point to another, an approximately visually accurate 3D rendering of the object is provided using selected prerendered views. The image of the selected object may be scaled based on the view of the object.

In order to generate the prerendered views, a heading is selected within the place user interface to define each facing direction for each of the objects. Environment information is also defined within the place user interface for each object to determine an appropriate view to draw for each object. The environment information is compared with the viewing point which includes the physical location and heading of the user to select a desired one of the prerendered views to display.

A further understanding of the invention can be achieved by a reading of the following claim 1:

1. A computer system comprising:
 - a central processing unit;
 - a bus;

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a memory store coupled to said central processing unit via said bus;

a pseudo 3D-rendering mechanism, loaded within said memory store, that generates a pseudo-3D-rendered virtual image for display on a display device using only two-dimensional prerendered views of 3D objects to be displayed, wherein as a viewing orientation of a user within said virtual image shifts from a first viewing point to a second viewing point of said user within said virtual image, an approximately visually accurate three-dimensional rendering of said pseudo 3D-rendered image is provided utilizing selected ones of said prerendered views.

The examiner relies upon the following references:

Redmann et al. (Redmann)	5,696,892	Dec. 09, 1997 (filed Jun. 07, 1995)
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Applicants admitted prior art, pages 3 to 4 and Figure 1 of the specification. (APA)

Claims 1, 3 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Redmann. Claims 2, 4, 6 and 13 through 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Redmann in view of APA.

Rather than repeat the arguments of appellants and the

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examiner, we make reference to the brief and the answer for the respective details thereof.

OPINION

We have considered the rejections advanced by the examiner and the supporting arguments. We have, likewise, reviewed the appellants' arguments set forth in the brief.

We reverse.

In our analysis, we are guided by the general proposition that in an appeal involving a rejection under 35 U.S.C. § 103, an examiner is under a burden to make out a prima facie case of obviousness. If that burden is met, the burden of going forward then shifts to the applicant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). We are further guided by the

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precedent of our reviewing court that the limitations from the 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 also note that the arguments not made separately for any individual claim or claims are considered waived. See 37 CFR § 1.192(a) and (c). In re Baxter Travenol Labs., 952 F.2d 388, 391, 21 USPQ2d 1281, 1285 (Fed. Cir. 1991)

("It is not the function of this court to examine the claims in greater detail than argued by an appellant, looking for nonobviousness distinctions over the prior art."); In re Wiechert, 370 F.2d 927, 936, 152 USPQ 247, 254 (CCPA 1967)("This court has uniformly followed the sound rule that an issue raised below which is not argued in that court, even if it has been properly brought here by reason of appeal is regarded as abandoned and will not be considered. It is our function as a court to decide disputed issues, not to create them.").

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Both the examiner (answer at pages 7 through 9) and appellants (brief at pages 5 through 11) agree that the only limitation where the two parties disagree lies in the phrase "using only two-dimensional prerendered views of 3D objects" (claim 1), and the corresponding limitation "utilizing said surface maps . . . of each object" (claim 13). Appellants argue (brief at pages 6, 7) that the claimed apparatus or the method only utilizes 2D prerendered views whereas Redmann utilizes both the 3D polygon and the 2D texture maps which are projected onto each surface of the polygon. The examiner asserts, answer at page 7, that "[i]t is the examiner's position that the proper interpretation of this language is that this refers to what can

be seen in the final image and not to what data may be used by the rendering process." We are not persuaded by the examiner. The apparatus in claim 1 and the method recited in claim 13, each calls for the limitations as stated above. We find that claim 1 requires means for producing a three-dimensional image of an object by selecting only the two-dimensional prerendered

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views of the three-dimensional object which have been prestored in the memory of the rendering system. Similarly, claim 13 requires that only the surface maps are used to render a three-dimensional object image. The examiner seems to suggest that as long as the final image on a display is the image of the three-dimensional object, then it does not matter what apparatus elements or what method steps are used to create the final image. We disagree. There may be, and usually are, many ways and/or many arrangements of apparatus elements to achieve the final product or final result, and each method or apparatus could be worthy of a patent. Therefore, we reverse the examiner's rejection of claims 1, 3 and 5 as being obvious over Redmann.

With respect to claims 2, 4, 6, and 13 through 19, the examiner adds APA to Redmann. However since APA does not address the deficiency noted above in Redmann, the rejection of these claims as being obvious over Redmann and APA is also reversed.

The decision of the examiner rejecting claims 1 through 6, and 13 through 19 is reversed.

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REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
PARSHOTAM S. LALL)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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STUART S. LEVY)	
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