

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board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. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALBERT S. WANG,
NAVIN CHADDHA and
SANJEEV MEHROTRA

Appeal No. 1999-2817
Application 08/819,587

ON BRIEF

Before THOMAS, BLANKENSHIP and SAADAT, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1-3, 6, 8, 12-15, 18, 20 and 24.¹

Appeal No. 1999-2817
Application 08/819,587

Representative claim 1 is reproduced below:

1. A computer-implemented method for processing video data, the video data including a current frame and an adjacent frame, the current frame including a current macroblock, the adjacent frame including an adjacent macroblock, the method comprising:

obtaining an uncompressed current block and an adjacent block, the uncompressed current block being a part of the current macroblock, the adjacent block being a part of the adjacent macroblock and being in a same spatial location relative to the uncompressed current block;

calculating a distance between the uncompressed current block and the adjacent block;

determining if the distance between the uncompressed current block and the adjacent block is acceptable;

estimating a motion between the uncompressed current block and the adjacent block if the distance between the uncompressed current block and the adjacent block is not acceptable; and

adaptively compressing the uncompressed current block when the distance between the current block and the adjacent block is not acceptable.

The following references are relied on by the examiner:

Lee et al. (Lee)	5,337,085	Aug. 9, 1994
Uramoto et al. (Uramoto)	5,400,087	Mar. 21, 1995

Claims 8, 12, 20 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee. Claims 1-3, 6, 13-15 and

Appeal No. 1999-2817
Application 08/819,587

Rather than repeat the positions of the appellants and the examiner, reference is made to the briefs for appellants' positions and to the final rejection and answer for the examiner's positions.

OPINION

We reverse the § 102 rejection based upon Lee and affirm the § 102 rejection based upon Uramoto.

As to the rejection based on Lee, claim 8 requires in part an encoded block representation of video data "further including additional bits associated with the [encoded] block representation." It is these additional bits that are decoded using a table according to claim 8.

The final rejection and answer take the position that the feature of the additional bits is taught by column 7, lines 1-14 in Lee. We disagree. The discussion beginning at the bottom of column 6 through the top of column 7 indicates that the respective codeword for decoding purposes consists of 16 bit codewords. This 16 bit codeword is used to code an entire block

Appeal No. 1999-2817
Application 08/819,587

additional bits and thus no additional bits that must be decoded according to the recitation in claim 8 on appeal. Like appellants, we are unaware in Lee of any teaching of any bits which are not a part of the 16 bit codeword itself. Since independent claim 20 has corresponding limitations as recited in independent claim 8, we reverse the rejection of it as well as dependent claims 12 and 24 depending from them.

In contrast, however, we sustain the rejection of claims 1-3, 6, 13-15 and 18 as being anticipated by Uramoto. As to this rejection, the examiner's rather lengthy analysis in the final rejection is repeated and embellished upon beginning at page 6 of the answer. We are persuaded by the examiner's analysis as to the subject matter of claim 1 on appeal set forth in the answer between pages 8 and 10 where the examiner explains his view of fundamental or inherent properties of motion vectors including two situations where in one case two frames are not exactly the same and in the other case two frames are exactly the same. According to the analysis of the examiner, which we find

Appeal No. 1999-2817
Application 08/819,587

1 on appeal of "determining if the distance between the uncompressed current block and the adjacent block is acceptable."

The abstract of Uramoto indicates the circuit of Figure 1 is a version of the motion vector detector that first determines an absolute difference of the compared data between adjacent frames to determine a displacement vector by a summation unit (see Figure 1) which value is fed to a comparison unit to ultimately detect a motion vector. It is this comparator 3 in Figure 1 which is shown in further detail beginning in Figure 43, the discussion of which begins at the middle of column 26. The evaluation value, according to the discussion associated with this figure, leads to the determination of a motion vector and even, optionally, to a decoder. The discussion between columns 26 and 27 indicates that if a newly applied evaluation value is smaller than the value stored in the register latch 130 in Figure 43, a latch instruction signal is generated, whereas if the newly applied evaluation value is greater than the value stored in the register latch 130, the comparator 130 does not generate a latch

Appeal No. 1999-2817
Application 08/819,587

degree of acceptability in the claim is predicated on appellants' disclosed use of a threshold, yet it is much more broadly recited in claim 1 and its corresponding claim 13 on appeal. The noted portions of Uramoto appear to indicate to us that a degree of acceptability or nonacceptability or some sort of variable threshold is taught in this reference. The examiner's relied upon discussion with respect to Figure 44 at column 27 builds upon and varies the structural embodiment initially set forth in Figure 43 for this comparator 3 in Figure 1.

Since Uramoto does appear to us to teach some degree of thresholding or acceptability, we agree with the examiner's views expressed principally in the answer beginning at page 6. As to appellants' additional views in the principal brief on appeal that Uramoto appears to teach compression in any case, we note that claim 1 does not explicitly exclude the capability of estimating and adaptively compressing "acceptable" distances between all uncompressed current blocks and adjacent blocks. As to appellants' arguments with respect to dependent claims 2, 3,

Appeal No. 1999-2817
Application 08/819,587

2. We do not agree with appellants' views that the examiner's earlier-noted two cases scenario is inapposite. Appellants' argument that the earlier quoted claim language is unambiguous is misplaced. As expanded upon in this opinion, the examiner's views in the final rejection and answer merely endeavor to appreciate the scope of the term "acceptable" as a broadly used term in independent claims 1 and 13 on appeal. Moreover, appellants' urging that we refer to the specification because the examiner's views are wholly against the claim language when interpreted in light of the specification is also misplaced. First, this is an invitation for us to read into the claim disclosed but unclaimed features. Clearly, we will not do this. Secondly, if the claims are so unambiguous, there is no need and no basis in law for us to determine the scope of meaning of unambiguous claim language by reference to the specification. Appellants cannot have it both ways.

Since appellants' reply brief does not address the additional arguments in the answer as to the other dependent

Appeal No. 1999-2817
Application 08/819,587

To recap, we have reversed the rejection of claims 8, 12, 20 and 24 under 35 U.S.C. § 102 as being anticipated by Lee. On the other hand, we have sustained the rejection of claims 1-3, 6, 13-15 and 18 under 35 U.S.C. § 102 as being anticipated by Uramoto. Accordingly, the decision of the examiner is affirmed-in-part.

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

AFFIRMED-IN-PART

James D. Thomas)	
Administrative Patent Judge)	
)	
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Howard B. Blankenship)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES

Appeal No. 1999-2817
Application 08/819,587

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