

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 36

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TERRY L. GLATT

Appeal No. 1999-0034
Application No. 08/568,402

Before KRASS,¹ BLANKENSHIP, and SAADAT, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

ON REQUEST FOR REHEARING

This is in response to appellant's request that we reconsider our decision mailed November 26, 2002, wherein we sustained the final rejection of claims 1-24 and 26-36. However, appellant's arguments fail to convince us that we erred in any respect in the decision. We therefore decline to make any changes therein.

¹ Administrative Patent Judge Lall retired from the USPTO before this case was reached for rehearing. Legal support for substituting one Board member for another can be found in In re Bose Corp., 772 F.2d 866, 869, 227 USPQ 1, 4 (Fed. Cir. 1985).

As we noted on page 3 of the opinion, that use of the visual sensors in target detector 12 (Fig. 1) as described by McGary does not teach monitoring an area by means of a pilot camera, thereby producing an image of the area, is not an issue in dispute.

As we pointed out on page 4 of the opinion, McGary teaches that target movement may be determined using video camera 16 signals alone. Col. 3, ll. 47-49. As explained in more detail at column 3, lines 4 through 17 of the reference, and depicted in Figure 2c, field of view and focus of camera 16 may provide an image of an area of interest that includes target box B. System controller 14 (Figure 1) may use signals directly from the video camera to place the target box in its field of view.

Appellant apparently reads the reference as requiring target acquisition in the first instance by use of target detector 12 (Fig. 1), or by requiring potential target data acquisition by sensors 30 and 32 (Fig. 3), before the image of the area under surveillance is processed for determining location of an object of interest in the area. We do not find the more general teaching associated with Figure 1 to be so limited. We further note that even in McGary's preferred embodiment (Fig. 3), image data produced by the camera is used for the purpose of initial target acquisition. Col. 5, ll. 5-10.

However, even if the McGary system were to require target acquisition in the first instance by means of target detection separate from the video camera, appellant has not shown how the video cameras disclosed by McGary may be excluded from meeting the requirements of the claimed "pilot camera," as we pointed out on page 5 of the

opinion. Instant claim 10 is drafted in an open-ended form that does not exclude acquisition of potential target data by separate sensors and moving a camera into position for monitoring a particular area of interest prior to the claimed steps of monitoring, processing, and controlling.

Appellant again argues a point not in dispute, on page 3 of the request, by arguing that McGary fails to teach monitoring the area by means of a pilot camera thereby producing an image of the area which is then processed and used to control a slave camera. As we pointed out on page 5 of the opinion, the rejection relies on the Paff reference, not the McGary reference, for the teaching of a slave camera. The rejection offers the teachings of McGary combined with those of Paff, with the result that Paff's master camera no longer requires a human operator to move the master camera about the area under surveillance.

To the extent that appellant may hold that Paff's control of slave cameras is not based on a signal representative of the location of an object of interest, we note that appellant has not shown error in the examiner's finding that the references would have suggested implementing the automatic target tracking taught by McGary to the slave camera control as taught by Paff. We also note that even if one were to maintain Paff's system for broadcasting the pan and tilt position of the master camera to the slave cameras, rather than broadcasting position signals directly derived from processing of the image of the area under surveillance, the slave cameras would track the object based on a signal representative of the location of the object as required by instant

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claim 10, for the reason that the pan and tilt position of the master camera would be based on the signal representative of the location of the object.

Although appellant's request for rehearing appears to reargue the position set out in the briefs, rather than stating points believed to have been misapprehended or overlooked in rendering our decision, we have granted appellant's request to the extent of reconsidering the decision mailed November 26, 2002. However, we deny the request with respect to making any changes therein.

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

DENIED

ERROL A. KRASS
Administrative Patent Judge

HOWARD B. BLANKENSHIP
Administrative Patent Judge

MAHSHID D. SAADAT
Administrative Patent Judge

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