The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte ARNAUD E. JACQUIN
and HIROYUKI OKADA

_____

Appeal No. 2000-0128
Application 08/590,722

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ON BRIEF

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Before THOMAS, BARRETT, and LEVY, 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 through 10 and 12 through 18, which constitute all the claims in the application.

Representative claim 1 is reproduced below:

1. A method of postfiltering low bitrate visual telephony images, comprising the steps of:

inputting a video image to an encoder;

encoding said video image and determining a postfilter parameter in said encoder, wherein said postfilter parameter is determined based on the signal-to-noise ratio (SNR) between the encoded video image and the input video image;

transmitting said encoded video image and said postfilter parameters to a decoder;

decoding said transmitted video image in said decoder and postfiltering said decoded video image using said postfilter parameter; and

displaying the postfiltered video image.

The following reference is relied on by the examiner:

Normile et al. (Normile)	5,596,659	Jan. 21, 1997 (filing date Sept. 1, 1992)

Claims 1, 3 through 10 and 12 through 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Normile.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and the answer for the respective details thereof.

OPINION

We reverse.

In accordance with representative independent claim 1 on appeal a “postfilter parameter” is determined in the encoder “wherein said postfilter parameter is determined based on the signal-to-noise ratio (SNR) between the encoded video image and the input video image.” Corresponding features are recited in independent claim 10 on appeal.

We reverse because we agree with the appellants' arguments at page 4 of the brief that Normile does not contemplate postfiltering decoded video images based on the number of coding errors made by the encoder simply because the Normile process does not determine the SNR between coded and uncoded images. We have studied in detail the teachings at columns 7 through 10 or Normile on which the examiner bases the rejection of this portion of the subject matter of the claims on appeal. SNR determinations are discussed in the initial lines of column 7 and at the end of column 8, the latter of which has been specifically referenced by the examiner. The initial lines of column 8 with respect to the encoding operation and the corresponding initial lines of column 10 with respect to a decoding operation seem to indicate some sort of postfiltering parameter is encoded and respectively decoded to communicate to the decoder which areas of an image to postfilter.

Figure 10 shows a corresponding bit stream, where the block header portion 1022 appears to be further detailed in Figures 14 through 16. The corresponding discussion associated with these figures does not detail how the communication generated by the encoder occurs in the encoder to identify which areas of the image to postfilter in the decoder. In any event, our study of the reference leads us to conclude that the generation of an apparent postfilter parameter in Normile does not appear to be determined based on the signal-to-noise ratio between the encoded video images and the input or uncoded video image as required by the claims on appeal. The reference simply does not explain in detail how the SNR operations discussed in the initial lines of column 7 and at the end of column 8 take place within the confines of the encoding and decoding operations in the reference as a whole.

In order for us to sustain the examiner's rejection under 35 U.S.C. § 102, we would need to resort to speculation or unfounded assumptions to supply deficiencies in the factual basis of the rejections. In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968), reh'g denied, 390 U.S. 1000 (1968). This, we decline to do.

Since we do not sustain the rejection of independent claims 1 and 10 on appeal, we also reverse the rejection of their respective dependent claims. Therefore, the decision of the examiner rejecting claims 1, 3 through 10 and 12 through 18 under 35 U.S.C. § 102(e) is reversed.

REVERSED

James D. Thomas Administrative Patent Judge	))))) BOARD OF PATENT
Lee E. Barrett Administrative Patent Judge	)) APPEALS AND)) INTERFERENCES
Stuart S. Levy Administrative Patent Judge	)))

JDT/cam

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