

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAIGO TAGUCHI

Appeal No. 2000-0768
Application No. 08/607,458

HEARD: November 28, 2001

Before JERRY SMITH, RUGGIERO, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, 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 1-5.

We reverse.

BACKGROUND

The invention is directed to an apparatus for editing electronic images and multimedia data. Claim 1 is reproduced below.

1. A scenario editing apparatus for performing editing of multimedia, comprising:

an input managing unit for managing an input from a user, the input indicating a specific multimedia data and a presentation position of the specific multimedia data;

a data selecting unit coupled to the input managing unit and to a media data storage unit for determining ID information of the specific multimedia data from the media data storage unit;

an electronic image input unit for inputting an electronic image;

a position coordinate analyzing unit coupled to the electronic image input unit and analyzing the electronic image from said electronic image input unit to extract figure feature points of the electronic image to obtain position coordinates of the figure feature points to be used as candidates of a presentation position of the multimedia data, said presentation position corresponding to a reference position on a display screen;

a position coordinate selecting unit coupled to said input managing unit and said position coordinate analyzing unit for selecting the position coordinates of one of said candidates as the coordinates of said presentation position of the specific multimedia data;

a presentation position storing unit coupled to said position coordinate selecting unit and said data selecting unit for storing the position coordinates of said selected candidate and for storing associated therewith said ID information of said specific multimedia data;

a scenario storage unit coupled to said presentation position storing unit for storing scenario information containing the ID information of the multimedia data and information on the presentation position, and for storing the ID information and

Appeal No. 2000-0768
Application No. 08/607,458

the position coordinates of said selected candidate corresponding to said presentation position; and

a screen output unit for displaying on the display screen the figure feature points of the electronic image and the specific multimedia data at the selected presentation position, thereby achieving an interactive editing.

The examiner relies on the following references:

Griffin et al. (Griffin)	5,265,173	Nov. 23, 1993
Teraoka et al. (Teraoka)	5,537,132	Jul. 16, 1996 (filed May 17, 1993)

Woolsey, Kristina Hooper, Multimedia Scouting, IEEE Computer Graphics & Applications, July 1991, pp. 26-38 (Hooper)¹.

Claims 1-5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hooper, Griffin, and Teraoka.

Claims 6 and 7 have been allowed, and claims 8 and 9 have been determined to be allowable if rewritten in independent form.

We refer to the Final Rejection (mailed Jul. 17, 1998) and the Examiner's Answer (mailed May 3, 1999) for a statement of the examiner's position and to the Brief (filed Feb. 22, 1999) and the Reply Brief (filed Jul. 9, 1999) for appellant's position with respect to the claims which stand rejected.

¹ Both the examiner and appellant refer to the reference as "Hooper." We will follow their convention in this opinion.

OPINION

Responsive to the section 103 rejection of claims 1-5 set forth on pages 3 through 8 of the Final Rejection, appellant argues, inter alia, that the proposed combination fails to teach the "position coordinate selecting unit" set forth in claim 1. (Brief at 5-6.) In view of the statement of the rejection, the examiner considers the "position coordinate selecting unit" to be taught by Hooper -- Hooper is deemed to disclose all of the claim 1 "means for interactively mapping multimedia data to the feature points in electronic images" except for a "position coordinate analyzing means" [sic; unit]" and a "presentation position storing means" [sic; unit]. (Final Rejection at 4.)

In response to appellant's argument (Answer at 3-4), the examiner points to page 36 and Figure 13(b) of Hooper as indicative of a "position coordinate selecting unit" as claimed. Appellant in turn (Reply Brief at 1-2) argues that the Hooper disclosure does not reveal the claimed details of the "position coordinate selecting unit."

Instant claim 1 requires that the "position coordinate selecting unit" performs the function of "selecting the position coordinates of one of said candidates as the coordinates of said presentation position of the specific multimedia data." The "candidates of a presentation position of the multimedia data" are a product of the "position coordinate analyzing unit," which extracts "figure feature points of the electronic image to obtain position coordinates of the figure feature points" to be used as the "candidates."

Hooper depicts, in Figures 13(a) and 13(b), a professionally-produced video production named "Moss Landing." As described on pages 36 and 37 of the reference, an end user could select video segments which were linked to text cues on the computer screen (Fig. 13(b)), or a "linked database of video materials for viewer exploration." Hooper does not disclose the details of the "Moss Landing" system, and clearly does not disclose all the details of a "position coordinate selecting unit" as required by instant claim 1. We can only make inferences with respect to the underlying structure of the system from the description of the interface presented to the end user.

We therefore fail to see how the reference might disclose a "position coordinate selecting unit" as required by claim 1. We agree with appellant (Reply Brief at 2) that the Hooper section shows selection of one of the multimedia materials, but fails to show selection of position coordinates of one of the candidates -- the candidates being obtained from figure feature points of the electronic image -- as the presentation position of the multimedia data.

We also agree with appellant with respect to the more basic observation that Hooper does not disclose that the end user of the Hooper system may control "positioning" of the multimedia data that are presented. We acknowledge that Griffin discloses (e.g., column 3) extracting figure feature points from an image. However, that the designers of the Hooper system might have used a system which extracted position coordinates from image figure feature points of the multimedia images for positioning the images would be

Appeal No. 2000-0768
Application No. 08/607,458

mere speculation, in view of the level of detail provided by the reference. The allocation of burdens requires that the USPTO produce the factual basis for its rejection of an application under 35 U.S.C. §§ 102 and 103. In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984) (citing In re Warner, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (CCPA 1967)). The one who bears the initial burden of presenting a prima facie case of unpatentability is the examiner. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

Since we are persuaded that the examiner's findings with respect to the teachings of Hooper are in error, we cannot sustain the rejection of claim 1, nor claims 2 through 4 depending therefrom. Instant claim 5 requires a "position coordinate selecting means" which we do not find disclosed in Hooper, contrary to the rejection before us. We therefore cannot sustain the rejection of any of the claims on appeal.

Appeal No. 2000-0768
Application No. 08/607,458

CONCLUSION

The rejection of claims 1-5 is reversed.

REVERSED

JERRY SMITH
Administrative Patent Judge

JOSEPH F. RUGGIERO
Administrative Patent Judge

HOWARD B. BLANKENSHIP
Administrative Patent Judge

)
)
)
)
)
) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES
)
)
)
)
)

Appeal No. 2000-0768
Application No. 08/607,458

FOLEY & LARDNER
3000 K STREET NW
SUITE 500 P O BOX 25696
WASHINGTON DC 20007-8696