

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MATHEW P. TUTTLE

Appeal No. 1996-3647
Application No. 08/065,720¹

ON BRIEF

Before HAIRSTON, FLEMING and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 8, 10 through 14 and 17 through 20. In an Amendment After Final (paper number 10), claims 2 through 5, 14 and 18 were canceled, and claim 11 was amended. After submission of the brief, the examiner indicated that claims 8 and 10 are

¹ Application for patent filed May 21, 1993.

objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (Answer, page 13). Accordingly, claims 1, 6, 7, 11 through 13, 17, 19 and 20 remain before us on appeal.

The disclosed invention relates to a system for dynamically controlling the display duration of still images in a visual presentation.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A system for dynamically controlling a visual presentation, said system comprising:
 - means for storing a multiplicity of still images;
 - means for defining a time interval for displaying each of said still images in a presentation;
 - means for directing sequential display of said still images in said presentation according to said time interval for each image; and
 - means, responsive to user input during the presentation, for dynamically changing the time interval for displaying subsequent still images in the presentation; andwherein

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the directing means directs display of said
subsequent still images in the presentation
according to the changed time interval.

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The references² cited by the examiner are:

Blanton et al. (Blanton) 21, 1988	4,752,836	June
Roy et al. (Roy) 1989	4,876,597	Oct. 24,
Bohrman 1992	5,109,482	Apr. 28,
Rosser et al. (Rosser) 1993	5,264,933	Nov. 23,
		(filed Jan. 28, 1992)
Cohen et al. (Cohen) 1994	5,353,391	Oct. 4,
		(filed May 6, 1991)

Claims 1 and 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cohen.

Claim 6 stands rejected under 35 U.S.C. § 103 as being unpatentable over Cohen in view of Blanton.

Claims 11 through 13, 17, 19 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cohen in view of Roy. Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

² Only the references to Cohen, Blanton and Roy were relied on in the prior art rejections.

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The obviousness rejection of claims 1, 6, 7, 11 through 13, 17, 19 and 20 is sustained as to claims 1, 6, 7 and 17, and is reversed as to claims 11 through 13, 19 and 20.

Turning first to the obviousness rejection of claim 1, appellant argues that "Cohen discloses a video system for 'moving' pictures" (Brief, page 5), and that "Cohen discloses that changes are not made during the presentation" (Brief, page 6).

If appellant's point is that the 'moving' pictures are not "still" images, then appellant's argument is in error. Cohen explicitly explains (column 1, lines 14 through 21) that:

[I]t is well known in the art to convert dynamic images, i.e., video images, into a digital representation. Typically, in the digital representation on, for example, a computer system, the video image is captured as a sequence of static images. Each static image captures an instant in time of the video image. Movement is apparent to the viewer by the rapid display of the sequence of static images.

According to Cohen (column 7, lines 13 through 15), each frame of a video image corresponds to an individual image in a sequence of images, and that "[u]sing the NTSC format as an

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example, 30 (thirty) flames [sic, frames] are required for each second of video."

Cohen is directed to a "method and apparatus for transitioning between two sequences of images stored in a computer system" (column 5, lines 64 through 66; Figures 1, 4 and 8 through 10). Cohen presents a first sequence of images (e.g., A in Figure 1) at the normal NTSC time interval rate of 30 frames of still images per second, and during the transition period from the sequence of images A to the sequence of images B, Cohen can dynamically change the transition timing rate (column 10, lines 8 through 56; column 11, lines 32 through 37; column 12, lines 13 through 18; column 16, lines 45 through 49). If the transition period lasts 3 seconds, for example, then 90 frames of still images will be presented at a time interval rate that differs from the normal NTSC time interval rate of 30 frames per second (column 15, lines 7 through 10; column 26, lines 7 through 24).

In summary, appellant's argument that "Cohen discloses that changes are not made during the presentation" is equally without merit.

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Based upon the foregoing, the two claimed image presentation rates are identically disclosed by Cohen. Thus, the obviousness rejection of claim 1 is sustained.³ The obviousness rejection of claims 6, 7 and 17 is likewise sustained because of appellant's grouping of the claims (Brief, page 4).

Turning next to the obviousness rejection of claim 11, appellant argues (Brief, page 8) that:

Independent claim 11 recites that if the time interval is greater than a predetermined duration, the image is displayed. However, if the time interval is less than the predetermined duration, only a representative portion of the image is displayed. This is advantageous because less information can be presented and absorbed in the shorter time. Cohen does not disclose or suggest this feature of claim 11. Rather, Cohen is concerned with generating and viewing a transition between a first and second sequence of images. Roy also does not disclose this feature of claim 11. Roy simply teaches that multiple pictures of a moving freight train can be taken and if important numbers on the train span two successive pictures, the data can be retrieved from memory and a composite image can be displayed. However, Roy does not disclose that the selection of either an image or representative portion of the image is based on a selected time interval allotted for display. This would not have been obvious in view of Cohen and Roy

³ In keeping with 37 CFR § 1.192(a), arguments not made by appellant in the briefs were not considered on appeal.

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because there is not the slightest suggestion of or motivation for determining whether to display an image or just a representative portion based on the selected time allotted for display. Moreover, display time is not even an issue in Roy.

We agree with appellant's arguments. Although Cohen dynamically changes the time interval for displaying subsequent still images during the transition from a first sequence of still images to a second sequence of still images (claim 1), Cohen neither teaches nor would have suggested to one of ordinary skill in the art the sequential display of images or representative portion thereof based upon a determination of whether a time interval is greater than or less than some predetermined duration (claim 11). With respect to the video display teachings of Roy, appellant has correctly concluded that "display time is not even an issue in Roy" (Brief, page 8).

In summary, the obviousness rejection of claims 11 through 13, 19 and 20 is reversed because the display of an image or a portion thereof based upon two time intervals compared to a predetermined duration is neither taught by nor would have been suggested by the applied references (Reply Brief, pages 2 and 3).

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DECISION

The decision of the examiner rejecting claims 1, 6, 7, 11 through 13, 17, 19 and 20 under 35 U.S.C. § 103 is affirmed as to claims 1, 6, 7 and 17, and is reversed as to claims 11 through 13, 19 and 20. Accordingly, the decision of the examiner is affirmed-in-part.

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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).

AFFIRMED-IN-PART

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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