

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(2) is not binding precedent of the Board.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. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK C. KOZ and MASATO HATA

Appeal No. 1997-0653
Application No. 08/140,043

ON BRIEF

Before DIXON, GROSS, and BARRY, **Administrative Patent Judges**.
DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 63-98,
which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

Appellants' invention relates to an adaptive video file server and methods for its use. The system retrieves audio/video data compressed in a first standard from storage and compresses the retrieved audio/video data using a different standard than the first standard. The system then transmits the data compressed according to the second standard to subscribers via at least one of various available formats. An understanding of the invention can be derived from a reading of exemplary claim 63, which is reproduced below.

63. A video file server for storing video data and transmitting compressed video data to a plurality of subscriber systems, said video file server comprising:

a main unit controller for controlling transmission of compressed video data to subscriber systems;

a random access data storage subsystem for storing compressed video data and from which such data is randomly retrievable;

a plurality of communication subsystems, for transmitting compressed video data to the subscriber systems; and

compressed video data format conversion subsystem for receiving compressed video data from said random access data storage subsystem that is compressed in accordance with a first compression standard, for converting the received compressed video data from the first compression standard to a second compression standard that differs from the first compression standard, and for transmitting such converted compressed video data compressed in accordance with the second compression standard to at least one of said communication subsystems.

Appeal No. 1997-0653
Application No. 08/140,043

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Yurt et al. (Yurt)	5,132,992	Jul. 21, 1992 (Filed Jan. 07, 1991)
--------------------	-----------	--

Claims 63-98 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yurt.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 15, mailed Aug. 6, 1996) for the examiner's reasoning in support of the rejections, and to the appellants' brief (Paper No. 14, filed May 8, 1996) and reply brief (Paper No. 17, filed Oct. 7, 1996) for appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations that follow.

Throughout the brief appellants argue that the examiner has not properly interpreted the teachings of Yurt with respect to the compression and transmission of data to

subscribers. We disagree with appellants. Rather, the examiner has essentially read the figure 2b on the claimed limitations instead of the figures 2a and 2b which the examiner references in the rejection. (See answer at page 3.) With the examiner using compressed data library 118 of Yurt as the random access data storage, then the transmission format conversion CPU 119 must perform the conversion of the compressed stored data to a different format. Appellants argue that Yurt does not teach or suggest that the transmission format conversion CPU 119 compresses the data using a different standard. (See brief at page 13.) We agree with appellants.

The examiner maintains that the transmission format conversion CPU 119 would “tailor the data into a format best suited for the particular channel.” (See answer at pages 3-4.) Appellants argue that Yurt does not disclose the compression of data in the transmission format conversion CPU 119 because the disclosure of Yurt with respect to this element only contains 131 words. (See brief at page 15 and Appendix II.) Appellants further argue that the declaration of Mark C. Koz, one of the inventors, addresses the compression of data using a second different standard and the

examiner’s asserted bandwidth motivation. (See brief at page 16 and reply brief at page 4.) The examiner has not addressed the evidence presented in the declaration. While we

Appeal No. 1997-0653
Application No. 08/140,043

agree with the examiner that the transmission format conversion CPU 119 would tailor the data, in our view, it is unreasonable to equate this conversion or encoding for formatting purposes as a compression of the data according to a second different standard as recited in the language of claim 63. Furthermore, the examiner's motivation for further compression by the transmission format conversion CPU 119 has been rebutted by appellants, but the examiner has not responded thereto. Therefore, we accept appellants' evidence that skilled artisans would not have been motivated to have the processing by the transmission format conversion CPU 119 perform a second compression using a different compression standard as recited in the language of claim 63. Therefore, the examiner has not set forth a *prima facie* case of obviousness with respect to claim 63 or its dependent claims 64-84. As such, we cannot sustain the rejection of these claims. Accordingly, since independent claim 85 contains limitations similar to those of claim 63, we also cannot sustain the rejection of claim 85 nor its dependent claims 86-98.

CONCLUSION

To summarize, the decision of the examiner to reject claims 63-98 under

Appeal No. 1997-0653
Application No. 08/140,043

35 U.S.C. § 103 is reversed.

REVERSED

JOSEPH L. DIXON
Administrative Patent Judge

ANITA PELLMAN GROSS
Administrative Patent Judge

LANCE LEONARD BARRY
Administrative Patent Judge

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

jld/vsh

Appeal No. 1997-0653
Application No. 08/140,043

MARK C. KOZ
21449 TOLLGATE RD.
SARATOGA , CA 95070