

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(2) is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY W. KASSMANN

Appeal No. 97-1583
Application 08/340,785¹

ON BRIEF

Before HAIRSTON, CARMICHAEL, and BARRY, Administrative Patent
Judges.

HAIRSTON, Administrative Patent Judge.

¹Application for patent filed November 17, 1994

Appeal No. 97-1583
Application No. 08/340,785

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 4, 7 through 11, 14 through 17 and 20.

The disclosed invention relates to the expansion of a byte of pixel image data.

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

1. A circuit for expanding a byte of pixel image data having a bit resolution of at least two bits, comprising:

detecting means for detecting a bit resolution of the byte of pixel image data, the bit resolution of the byte of pixel image data being equal to an integer N; and

new pixel generating means for generating a new pixel image data byte having a predetermined bit resolution, the predetermined bit resolution being equal to an integer M, in response to said detecting means detecting that the bit resolution of the byte of pixel image data is less than the predetermined bit resolution, the new pixel image data byte being a compilation of the byte of pixel image data repeated M/N times in the compilation, M/N being an integer.

The reference relied on by the examiner is:

Ochi et al. (Ochi) 4,698,688 Oct. 6,
1987

Claims 1, 2, 8, 9 and 14 through 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ochi.

Claims 3, 4, 7, 10, 11, 17 and 20 stand rejected under

Appeal No. 97-1583
Application No. 08/340,785

35 U.S.C. § 103 as being unpatentable over Ochi.

Appeal No. 97-1583
Application No. 08/340,785

Reference is made to the brief and the answer for the respective positions of the appellant and the examiner.

OPINION

All of the rejections are reversed.

Appellant acknowledges (Brief, pages 4 and 5) that:

Ochi et al. discloses a process for expanding image data having a first resolution to image data having a second resolution wherein the second resolution is greater than the first bit resolution. To accomplish this expansion, Ochi et al. discloses that a **certain portion** of the original byte of pixel image data is copied and appended to one end of the original byte of pixel image data to create a byte of pixel image data having a new bit resolution. This is clearly seen in Figures 2A, 2B, and 2C of Ochi et al., as well as, Figure 6.

On the other hand, appellant argues (Brief, page 5) that "Ochi et al. discloses an expansion process wherein only a portion of the original byte of pixel image data is used to generate the new pixel image data byte." According to appellant (Brief, page 5):

The teachings at Column 3, Lines 50-52 of Ochi et al. refer to the description of Figure 6. As taught by Ochi et al., Figure 6 illustrates the generation of a ten-bit byte of pixel image data. (See Column 3, Lines 47-49). Moreover, what Lines 50-52 of Column 3 describes is the generation of a portion or subcomponent of the final byte of pixel image data. This portion is an intermediate product, not the final byte of pixel image data that

Appeal No. 97-1583
Application No. 08/340,785

will be eventually processed. Thus, in actuality, Ochi et al. does not expressly describe how to generate an eight-bit byte of pixel image data from a four-bit byte. Ochi et al. explicitly describes new byte generation wherein the ratio of the numbers of bits of the new byte to the number of bits in the old byte is not an integer.

According to the examiner (Answer, page 5), "the Appellant is disregarding the teachings in Ochi et al in figure 6 and at col. 3. lines 50-52, where four bits of original image data are reproduce[d] in their entirety 'to form an eight bit signal'." The examiner concludes (Answer, page 6) that "[t]he fact that Ochi goes on to add two additional bits in order to obtain a 10-bit signal does not diminish the teaching in Ochi."

The examiner cannot take a reference teaching out of context, and then conclude that the claims on appeal read on that out of context interpretation of the reference. Ochi clearly illustrates and describes the conversion of a 4-bit byte of data to a 10-bit byte of data (Figure 6; column 2, lines 15 and 16; column 3, line 50 through column 4, line 2), and not the conversion of a 4-bit byte of data to an 8-bit byte of data. Ochi cannot satisfy the claimed limitation of "M/N being an integer" because $10 \text{ bits} / 4 \text{ bits} = 2.5$, a

Appeal No. 97-1583
Application No. 08/340,785

non-integer. Thus, the 35 U.S.C. § 102(b) rejection of claims 1, 2, 8, 9 and 14 through 16 is reversed.

The 35 U.S.C. § 103 rejection of claims 3, 4, 7, 10, 11, 17 and 20 is reversed because Ochi neither teaches nor would have suggested to one of ordinary skill in the art "M/N being an integer."

DECISION

The decision of the examiner rejecting claims 1, 2, 8, 9 and 14 through 16 under 35 U.S.C. § 102(b), and claims 3, 4, 7, 10, 11, 17 and 20 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JAMES T. CARMICHAEL)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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LANCE LEONARD BARRY)	
Administrative Patent Judge)	

Appeal No. 97-1583
Application No. 08/340,785

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Appeal No. 97-1583
Application No. 08/340,785

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