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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 9

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte REGINALD T. CHARLSON

Appeal No. 1997-2314
Application No. 08/349,728[1]

ON BRIEF

Before URYNOWICZ, HAIRSTON and FRAHM, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 6.

The disclosed invention relates to a video surveillance security system for a vehicle that records video at one speed based upon the door of the vehicle being in a closed position,

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[1] Application for patent filed December 5, 1994.

and that records video at another speed based upon the door of the vehicle being in an opened position.

Claim 1 is the only independent claim on appeal, and it reads as follows:

1. In combination with a vehicle, said vehicle having an exterior wall which encloses an internal compartment, a passenger door formed within said exterior wall, said passenger door being movable from a closed position to an open position, said closed position being when said passenger door is flush with said exterior wall preventing access through said passenger door into said internal compartment, said open position being when said passenger door is located transverse to said exterior wall permitting access into said internal compartment, a security system comprising:

a plurality of cameras mounted in conjunction with said vehicle, one of said cameras comprising a door camera in position to observe the area of said door located within said internal compartment; and

all of said cameras having an output signal which is transmitted to a multiplexer and into a video recorder, said multiplexer to cause the outputs of all said cameras to be placed on a single frame of said video recorder, said video recorder including an audio recorder, with said passenger door in said closed position said video recorder recording said output signal of each said camera at a first playback speed, with said passenger door in said open position said video recorder recording said output signal of only said door camera at a second playback speed, said first playback speed being substantially slower than said second playback speed, said first playback speed not including sound, said second playback speed including sound.

The references relied on by the examiner are:

Cotton et al. (Cotton)	4,630,110	Dec. 16, 1986
Feher	4,816,828	Mar. 28, 1989
Gormley	5,258,837	Nov. 2, 1993
Einbinder	5,402,167	Mar. 28, 1995
	(filed May 13, 1993)	

Claims 1 through 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Feher in view of Gormley, Cotton and Einbinder.

Reference is made to the brief, the answer, and the examiner's first Office Action (paper number 2) for the respective positions of the appellant and the examiner.

OPINION

The obviousness rejection of claims 1 through 6 is reversed.

Feher discloses the use of a plurality of cameras in an airplane surveillance system. The video recorder is in the form of a 'black box' recorder (column 1, lines 2 through 14) which is in a secure/locked housing. The examiner refers to the controller 60 as a multiplexer (paper number 2, page 3), but we can not find any disclosure in Feher that describes a multiplexing function for the controller 60. Feher does not

mention recording video outputs from the cameras at two different speeds based upon different conditions in the airplane.

Gormley discloses a video surveillance security system in which outputs from twelve cameras C1 through C12 are displayed in twelve areas of a monitor Z1. If activity viewed by one of the cameras merits a closer look, then the system operator can select that camera output as a 13th channel for viewing in the larger center area of monitor Z1 via selector 25, system control 26, and video multiplexer SW1 (column 7, lines 41 through 57). The VCR 41 makes a permanent record of the monitored activity. Appellant has not taken issue with the examiner's conclusion that the plurality of images displayed on the single screen of the monitor Z1 are multiplexed onto a "single frame of a video recorder" (paper number 2, page 4). Gormley does not mention recording video outputs at two different speeds based upon different conditions in the area under surveillance.

A second video surveillance security system is disclosed by Cotton. The video outputs from a plurality of cameras 20 are recorded by a VCR 26. Cotton uses a multiplexing scheme

to allow the simultaneous viewing of multiple camera outputs on a split screen of a monitor 27 (Figure 3A; column 5, lines 1 through 5). If an alarm condition is detected, the display is changed “so that the screen is filled entirely with the image from a particular camera best suited to visually record images of the device which generated the alarm input” (Figure 3B; column 5, lines 5 through 11). Appellant has not taken issue with the examiner’s conclusion that the alarm condition could be “the

opening of a door" (paper number 2, page 4). A change in video recording speed based upon the alarm activation is not discussed by Cotton.

Einbinder discloses another video surveillance system in which a single video camera 11 and a VCR 20 record the activity in a surveillance area 10. The VCR uses a time lapse recording speed when nothing of note is occurring in the area 10, and a normal recording speed based upon a sensed condition in the area 10 (column 3, lines 12 through 57). During the time lapse recording, Einbinder records video images from the video camera at a rate "between a frame a minute and a frame per several minutes" (column 3, lines 12 through 18). Appellant admits (Brief, page 8) that "Einbinder teaches the concept of recording an image at a slower rate without sound and at a faster rate with sound."

In the absence of a challenge by appellant to the examiner's assessment of the teachings of Gormley, we agree with the examiner (paper number 2, page 4) that "it would have been obvious to one of ordinary skill in the art to multiplex the camera output signals [presumably from Feher] into a single frame of the video recorder . . . . to obtain a

permanent record . . . of the pictures being monitored . . . without having to record each source individually." Appellant has, however, presented a challenge (Brief, page 5) to the examiner's conclusion (paper number 2, pages 4 and 5) that based upon the teachings of Feher, Gormley and Cotton "it would have been obvious to one of ordinary skill in the art to record the output signal from only the door camera when the passenger door is open because it is important to view passengers as they enter the passenger compartment . . . and because a full screen view would provide the best chance of identifying potential troublemakers." Appellant has likewise challenged the examiner's conclusion (paper number 2, page 5) that based upon the teachings of all of the applied references "it would have been obvious to one of ordinary skill in the art to record the multiplexed output signals of all cameras at a slow speed when the passenger door is closed and to record only the door camera signal at a faster speed when the passenger door is open." The examiner indicates (paper number 2, page 5) that "[d]oing so would save recording space . . . by real-time recording only the important passenger loading event."

Appellant argues (Brief, page 6) that:

> It is agreed that Einbinder teaches the concept of recording at different speeds, but where within Einbinder is there a teaching of when a passenger door is moved to an open position that the video recorder records the output signal of only the door camera at a faster rate of speed? It is Appellant's contention that the only way that this is obvious is by recourse through Appellant's own disclosure.

Appellant then concludes (Brief, page 7) that "[n]one of the references of record specifically teach [sic] opening a door which would then cause only the video of the door to be displayed and at the same time the speed of the recording increased to a much faster rate."

As indicated supra, neither Feher, Gormley nor Cotton teaches a change in recording speed after one of the plurality of camera outputs is selected for closer examination. In fact, Feher never favors one camera output over the other camera outputs. Einbinder uses two different recording speeds, but he only has a single surveillance camera. Thus, in the absence of appellant's disclosed and claimed invention, there is no other teaching of record that selects a second video recording speed based upon the selection of only one of

a plurality of cameras after the occurrence of a specific event, namely, the opening of a vehicle door.

In summary, we agree with appellant that it would take impermissible hindsight to reach the conclusion that it would have been obvious to one of ordinary skill in the art to record the "output signal of only said door camera at a second playback speed" when the passenger door of the vehicle is opened. The obviousness rejection of claims 1 through 6 is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 6 under 35 U.S.C. § 103 is reversed.

REVERSED

STANLEY M. URYNOWICZ, Jr. Administrative Patent Judge	)	
KENNETH W. HAIRSTON Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES

)
ERIC S. FRAHM)
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