

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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SHI-HWA LEE  
and JAE-SEOB SHIN

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Appeal No. 1998-1334  
Application No. 08/350,141

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ON BRIEF

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Before JERRY SMITH, FLEMING, and BARRY, Administrative Patent Judges.

FLEMING, Administrative Patent Judge.

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of claims 1 and 2, all claims pending in the present application.



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Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Iu.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the briefs<sup>1</sup> and answer for the respective details thereof.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See *In re King***, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.***, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

On pages 5 through 11 of the brief, Appellants argue that Iu fails to teach a motion estimating method that comprises producing a first mean value of a luminance signal of a current block, producing a second mean value of a luminance signal of a block in a previous frame, compensating the block of the previous frame so that the luminance signal of that

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<sup>1</sup>Appellants filed an appeal brief on May 2, 1997. Appellants filed a reply brief on September 8, 1997. Examiner mailed a communication on September 30, 1997 stating that the reply brief has been entered and considered but no further response by the Examiner had been deemed necessary.

block has the same mean value as the luminance signal of the current block, and selecting a block from the previous frame having a minimum sum of differences between the luminance value of each pixel as compared to the luminance value of each pixel in the block of the current frame, to generate a motion vector. Appellants also argue that Iu discloses generating a motion vector and a corrected motion vector. Appellants further argue that the only averaging performed in Iu occurs after the generation of both motion vectors.

The Examiner's response to Appellants' argument on page 7 of the answer states that the averaging function is disclosed by Iu in column 10, equation 6. The Examiner argues that claim 1 recites "producing a mean value of a luminance signal with regard to a block of the current frame" is met by Iu's equation 6.

On page 4 of the reply brief, Appellants argue that the Examiner's interpretation is inconsistent with the specification. Appellants argue that the interpretation of claim 1 should be viewed that the claim language limits computing the first mean value of a block in the current frame. Appellants further argue that Iu fails to teach

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computing a mean pixel value of a block of a current frame. Appellants point out that, equation 6 of Iu provides for computing an average pixel over a series of accepted frames K.

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." *In re Hiniker Co.*, 150 F.3d 13662, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998). Claims will be given their broadest reasonable interpretation consistent with the specification, and limitation appearing in the specification are not to be read into the claims. *In re Etter*, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985).

Upon reading Appellants' claim 1 as a whole in light of the specification, we agree that the claim does limit computing the first mean value to a block in the current frame. We find that Iu does not teach computing the first mean value of a block in the current frame, but instead teaches computing an average pixel over a series of accepted frames K. Therefore, Iu's equation 6 fails to meet Appellants' claimed method as recited in Appellants' claim 1.

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In view of the foregoing, the decision of the Examiner  
rejecting claims 1 and 2 is reversed.

**REVERSED**

	Jerry Smith	)	
	Administrative Patent Judge	)	
		)	
		)	
		)	
	Michael R. Fleming	)	BOARD OF
PATENT	Administrative Patent Judge	)	APPEALS AND
		)	INTERFERENCES
		)	
		)	
	Lance Leonard Barry	)	
	Administrative Patent Judge	)	

MRF:tdl

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