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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

Ex parte HENRICUS ANTONIUS VAN VUGT

Appeal 2010-001131
Application 10/516,149
Technology Center 2400

Before MARC S. HOFF, CARLA M. KRIVAK, and
CARL W. WHITEHEAD JR., *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1-8. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellant's claimed invention is directed to a method and arrangement for detecting a watermark in an information signal, such as an MPEG compressed video signal (Spec. 1:2-6).

Independent claim 1, reproduced below, is representative of the subject matter on appeal.

1. A method of detecting a watermark in a digital information signal being transferred at a first data rate from one device to another device over a communication bus, the information signal being formatted in accordance with an MPEG standard into a sequence of slices representing respective portions of said signal, the method comprising the steps of detecting the watermark by a watermark detector arranged to receive the information signal in accordance with said standard at a second data rate which is lower than said first data rate, said watermark detector being coupled to said communication bus through an interface circuit being arranged to carry out the steps of:

- storing slices of said information signal into a buffer at said first data rate,
- applying the data stored in said buffer to the watermark detector at said second data rate,
- determining a degree of fullness of said buffer, and
- refraining from storing a slice of the information signal into said buffer if said degree of fullness exceeds a predetermined threshold, said threshold being indicative that there is insufficient room remaining in the buffer to store the slice in its entirety.

REFERENCES and REJECTION

The Examiner rejected claims 1-8 under 35 U.S.C. § 103(a) based upon the teachings of Sugaya (US 7,085,474 B2, filed May 4, 2001) and Connor (US Pat. App. Pub. No. 2005/0147110 A1, filed Dec. 24, 2003).

ANALYSIS

The Examiner finds Sugaya stores slices of an information signal in a buffer and Connor teaches determining the degree of fullness of the buffer (Ans. 3). The Examiner then finds it would have been obvious to a skilled artisan to use the buffer monitor with the watermark system of Sugaya to allow efficient use of the buffer and prevent buffer overflow (*id.*).

Appellant contends the Examiner has incorrectly interpreted the term “packets” in the prior art as corresponding to the term “slices” as claimed (Br. 9). That is, in an MPEG2 hierarchy, a Group of Pictures (GOP) includes a plurality of pictures, each picture includes plurality of slices, each slice includes a plurality of macroblocks, etc. (*id.*). Thus, Appellant contends, “a ‘slice’ is distinct from a ‘packet’” (*id.*) (emphasis omitted). Appellant also contends neither Sugaya nor Connor teaches or suggests “determining a fullness of said buffer, and refraining from storing a slice of the information signal into said buffer” as claimed, because Appellant asserts Conner is not related to MPEG signaling (Br. 10). .

The Examiner states, because Sugaya teaches the storage of GOPs, Sugaya inherently teaches the storage of slices in view of the definition of the MPEG2 hierarchy. Further, Sugaya discloses the buffer memory accepts data from a bus line, the amount of data being for more than one GOP, and stores the data in the buffer memory (*see* col. 3, ll. 9-31). Thus, the buffer

memory receives and stores the GOPs, and therefore the slices of data, into the buffer memory as claimed in Appellant's claim 1. The Examiner also finds Conner teaches a buffer threshold that indicates when a buffer is about to be full, thus disclosing "determining a degree of fullness" as claimed (Ans. 5). The Examiner asserts when a threshold in Connor is reached, all further packets are dropped, therefore Connor suggests refraining from storing packets (that include slices) in the buffer (Ans. 10-11).

Appellant has not rebutted the Examiner's findings, which set forth how the references teach the various claim limitations and how they are combinable to obtain Appellant's claimed invention. Accordingly, we conclude the Examiner has provided a rational underpinning to support the legal conclusion of obviousness. For the above reasons, we are not persuaded of Examiner error. Because we find the weight of the evidence supports the Examiner's ultimate legal conclusion of obviousness, we sustain the Examiner's rejection of claims 1-3 and claims 4-8, argued separately but with the same arguments as set forth with respect to claim 1 (Br. 12; Ans.6).

DECISION

The Examiner's decision rejecting claims 1-8 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

Vsh/peb