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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LARRY M. ERNST, HONG LI, YUE QIAO,
MIKEL JOHN STANICH and CHAI WAH WU

Appeal 2010-008062
Application 11/085,161
Technology Center 2600

Before ROBERT E. NAPPI, KRISTEN L. DROESCH and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek review under 35 U.S.C. § 134(a) of a final rejection of claims 1-19. We have jurisdiction under 35 U.S.C. § 6(b). We REVERSE.

BACKGROUND

Appellants' disclosed invention relates to a method and system for changing the spatial resolution of an image by systematically generating a look-up table of pixel replacement patterns. The method and system allow a user to easily control printer parameters. Spec. 1.

Claim 1 is illustrative and is reproduced below (disputed limitation in *italics*):

1. A method for changing a spatial resolution of an image, comprising:
 - creating an image scaling look-up table comprising at least one pixel replacement pattern, by:*
 - scaling the image using a first scaling algorithm to determine said at least one pixel replacement pattern;*
 - and
 - storing said at least one pixel replacement pattern in said look-up table;* and applying a second scaling algorithm to modify the image using said look-up table.

Rejections

Claims 1-13 and 16-19 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Hirn (U.S. 6,836,571 B1; Issue Date: Dec. 28, 2004).

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hirn and Eskin (U.S. 2003/0071923 A1; Publication Date: Apr. 17, 2003).

ISSUE

Did the Examiner err in finding that Hirn describes the disputed limitations of claim 1?

ANALYSIS

We have reviewed the Examiner's rejection in light of the Appellants' arguments in the Appeal Brief presented in response to the Final Office Action and the Reply Brief presented in response to the Examiner's Answer. We agree with Appellants' conclusions. We highlight and address specific findings and arguments for emphasis as follows.

Claims 1-13 and 16-19

The Examiner directs attention to column 8, lines 10-19; column 8, line 45 through col. 9, line 9; column 15, lines 16-36; column 17, lines 49-62; and element 46 of Figure 18 of Hirn as describing the disputed limitations of claim 1. Ans. 3, 11-12. We agree with the Appellants' arguments that there is no disclosure in Hirn as to how the scaling/smoothing table or look-up table is created. App. Br. 9. We further agree with the Appellants' arguments that Hirn's descriptions at column 8, lines 45 through column 9, line 9 and column 15, lines 16-36 do not disclose creating an image scaling look-up table, but instead disclose a mathematical model for a scaling method and an exemplary format for a look-up table implemented in Hirn. App. Br. 10; Reply Br. 2-3.

While Hirn describes: 1) the use of a scaling/smoothing table 46 (*see* col. 17, ll. 22-62); 2) the use of look-up tables (*see* col. 7, ll. 8-11; col 15, ll. 14-36); and 3) a mathematical model for the scaling method (i.e., a scaling algorithm) (*see* col. 8, l. 45 through col. 9, l. 9); the Examiner does not direct

us to where Hirn describes that the scaling/ smoothing table or look-up tables are created by scaling using the mathematical model for the scaling method.

For at least these reasons, we cannot sustain the Examiner's rejection of claims 1-13 and 16-19 as being anticipated by Hirn.

Claims 14 and 15

Similar to independent claim 1, independent claim 14 recites: "creating a first image scaling look-up table comprising at least one pixel replacement pattern . . . wherein creating the first and second look-up tables includes: scaling an image to determine the at least one pixel replacement pattern." The Examiner does not rely on Eskin to remedy the deficiencies of Hirn as discussed above addressing claims 1-13 and 16-19. Ans. 8-9, 13. Accordingly, for the same reasons as claims 1-13 and 16-19, we cannot sustain the Examiner's rejections of claims 14 and 15 as obvious over Hirn and Eskin.

In the Event of Further Prosecution

We have decided the appeal before us. In the event of further prosecution, we leave it to the Examiner to determine whether it would have been obvious to one with ordinary skill in the art at the time the invention was made to utilize Hirn's mathematical model for the scaling method to create or fill Hirn's scaling/smoothing table or look-up table.

DECISION

We REVERSE the rejection of claims 1-13 and 16-19 under 35 U.S.C. § 102(a) as being anticipated by Hirn.

Appeal 2010-008062
Application 11/085,161

We REVERSE the rejection of claims 14 and 15 under 35 U.S.C.
§ 103(a) as unpatentable over Hirn and Eskin.

REVERSED

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