UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,448	12/13/2005	Alexandre J Bourret	36-1949	6549

23117 7590 01/25/2013
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
TRAN, TRANG U

ART UNIT	PAPER NUMBER
2422	

NOTIFICATION DATE	DELIVERY MODE
01/25/2013	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOMAIL@nixonvan.com
clm@nixonvan.com
pair_nixon@firsttofile.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ALEXANDRE J. BOURRET, DAVID S. HANDS,
DAMIEN BAYART, ANDREW G. DAVIS

Appeal 2012-000762
Application 10/560,448
Technology Center 2400

Before THU A. DANG, JAMES R. HUGHES, and
GREGORY J. GONSALVES, *Administrative Patent Judges*.

GONSALVES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-17 and 20-53 (App. Br. 5). Claims 18 and 19 were cancelled (*id.*). We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The Invention

Exemplary Claim 1 follows:

1. A video quality assessment method, comprising:

> matching, by execution of a computer system, sub-field/frame elements of a test video field/frame with corresponding sub-field/frame elements of at least one reference video field/frame, and thereby generating for the test video field/frame a matched reference field/frame comprising the sub-field/frame elements of the at least one reference video field/frame which match to the sub-field/frame elements of the test video field/frame;
>
> positioning, by execution of the computer system, in the matched reference video fields/frame at least one of the matching sub-field/frame elements to compensate for misalignment between at least one of the sub-field/frame elements of the test video field/frame and the at least one matching sub-field/frame elements; and
>
> generating, by execution of the computer system, a video quality value in dependence on the matched sub-field/frame elements of the test and matched reference video fields/frames so as to reduce the adverse effects of sub-field/frame misalignments between the reference and test field/frames.

Claims 1-6, 17, 20-25, 36-40 and 51-53 stand rejected as being anticipated under 35 U.S.C. §102(e) by Hu (U.S. Patent No. 6,483,538 B2, Nov. 19, 2002) (Ans. 4-7).

Claims 7-10, 26-29 and 41-44 stand rejected as being unpatentable under 35 U.S.C. §103(a) over Hu in view of Wolf (U.S. Patent No. 5,446,492, Aug. 29, 1995) (Ans. 7-10).

Claims 11-16, 30-35 and 45-50 stand rejected as being unpatentable under 35 U.S.C. §103(a) over Hu in view of Wolf and Kuhn (U.S. Patent No. 6,295,083 B1, Sep. 25, 2001) (Ans. 10-12).

ISSUE

Appellants' responses to the Examiner's positions present the following issue:

Did the Examiner err in finding that Hu discloses "generating for the test video field/frame a matched reference field/frame," as recited in independent claim 1, and as similarly recited in independent claims 17 and 20?

ANALYSIS

Appellants contend that the Examiner erred in rejecting independent claims 1, 17 and 20 as anticipated because Hu does not disclose the claim limitation quoted above (App. Br. 13). Appellants argue that each of independent claims 1, 17, and 20 require three types of video field/frames and Hu discloses only two:

> Each of the independent claims requires: (i) a test video field/frame, (ii) a reference video field/frame, and (iii) a matched reference video field/frame, wherein matching is carried out between sub-field/frame elements of a test video field frame and a reference video field frame and positioning of

> sub-field/frame elements to compensate for misalignment between sub-field/frame elements is effected in the matched video field frame.
>
> In contrast, Hu describes only test and reference frames (see, e.g., Fig. 1 of Hu). Hu fails to disclose the matched reference video field frame.

(*Id.*at 19-20). We agree with Appellants. Although the Examiner identified the portions of Hu that disclose the test and reference frames, the Examiner did not identify the portion that discloses the matched reference video field frame (*see* Ans. 13-15).

Accordingly, we find error in the Examiner's anticipation rejection of independent claims 1, 17, and 20 as well as claims 2-6, 19, 21-25, 36-40 and 51-53. We also find error in the Examiner's obviousness rejection of claims 7-16, 26-35 and 41-50 because the Examiner did not conclude that any of the secondary references teaches the limitation that is missing from Hu (*see* Ans. 8-12).

DECISION

We reverse the Examiner's decision rejecting claims 1-6, 17, 20-25, 36-40 and 51-53 as being anticipated under 35 U.S.C. § 102(b) and rejecting claims 7-16, 26-35, and 41-50 as being unpatentable under 35 U.S.C. § 103(a).

REVERSED

Vsh