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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte UMASHANKAR VELUSAMY

Appeal 2012-009373
Application 11/624,425¹
Technology Center 2400

Before MICHAEL J. STRAUSS, CATHERINE SHIANG, and
JASON J. CHUNG, *Administrative Patent Judges*.

STRAUSS, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ According to Appellant, the real party in interest is Verizon Business Global, LLC and Cellco Partnership. App. Br. 1.

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a rejection of claims 1, 3–11, 13–26, and 28. Claims 2, 12, and 27 are canceled. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm.

THE INVENTION

The claims are directed to providing user control of video views. Abst. Claim 1, reproduced below, is representative of the claimed subject matter with a disputed limitation emphasized in *italics*:

1. A method comprising:
receiving a plurality of video feeds corresponding to different views of a common event;
receiving a control signal specifying selection of one of the views by a user;
forwarding the video feed corresponding to the one selected view to a display;
receiving another control signal; and
dynamically changing the video feed to another one of the video feeds corresponding to a new camera and its selected view in response to the other control signal as to provide a smooth transition from the one selected view to the new selected view, *wherein selection of the another one of the video feeds corresponding to the new selected view automatically triggers selection of both an appropriate camera and initial parameters of the appropriate camera, the initial parameters having the same settings as the camera forwarding the video feed corresponding to the one selected view just prior to receipt of the another control signal*, wherein the user may apply video effects to the video feed of the appropriate camera by varying the parameters of the new selected view.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Matthews	US 5,600,368	Feb. 4, 1997
Aagaard	US 2003/0210329 A1	Nov. 13, 2003
Piccionelli	US 2007/0070210 A1	Mar. 29, 2007
Mottur	US 7,382,397 B2	June 3, 2008 (filed Nov. 21, 2002)
Lou	US 7,444,664 B2	Oct. 28, 2008 (filed Aug. 19, 2004)

REJECTIONS²

The Examiner made the following rejections:

Claims 1, 3–11, 13–25, and 28 stand rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Matthews, Piccionelli, Lou, and Mottur. Ans. 2–8.

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews, Piccionelli, Lou, Mottur, and Aagaard. Ans. 9.

APPELLANT'S CONTENTIONS

1. Lou's multi-view video system's sync unit 214 synchronizes all of the cameras to trigger and shoot at the same instant which is substantially different from the disputed of claim 1. App. Br. 8–9.
 - a. Lou's synchronization of cameras fails to teach selection of an appropriate camera. *Id.* at 9.
 - b. Triggering cameras to shoot simultaneously fails to teach "that any one of the plurality of cameras has its initial parameters

² Appellant collectively argues the rejection of independent claims 1, 11, 21, and 24. Separate patentability is neither argued for each of the independent claims nor for dependent claims 3–10, 13–20, 22, 23, 25, 26, and 28. Therefore, based on Appellant's arguments, we decide the appeal of claims 1, 3–11, 13–26, and 28 based on claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii).

selected such that they are the same as the master camera, or any other camera.” *Id.*

2. The combination of references asserted by the Examiner is improper because the modification of Matthews, Piccionelli, and Mottur to include the sync unit of Lou “could only have been reached through impermissible hindsight based on Appellants’ disclosure.” *Id.* at 10.
3. Lou’s synchronization of slave cameras fails to teach automatically triggering the selection of an appropriate camera. *Id.* at 12.
4. The Examiner’s reasoning for combining the references in rejecting claim 1 is improperly based on what “could have” be achieved and is otherwise an attempt “to force fit different systems containing pluralities of cameras for different purposes.” *Id.* at 12–15.

ISSUES ON APPEAL

Based on Appellant’s arguments in the Appeal Brief (App. Br. 7–15) and Reply Brief (Reply Br. 2–9), the issues presented on appeal are:

Whether the Examiner erred in finding the combination of Matthews, Piccionelli, Lou, and Mottur teaches or suggests the disputed limitations of claim 1.

Whether the Examiner erred in combining the teachings of Matthews, Piccionelli, Lou, and Mottur in rejecting claim 1.

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s arguments that the Examiner has erred. We disagree with Appellant’s conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken (Ans. 2–9) and

(2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief (*id.* at 9–15) and concur with the conclusions reached by the Examiner. We highlight the following for emphasis.

In connection with contention 1, Appellant argues Lou's sync unit operates to synchronize cameras so that "PCs can grab videos from the cameras simultaneously," not to trigger a selection of an appropriate camera and initial parameters of that camera as required by claim 1. App. Br. 8–9. According to Appellant, "in Lou, there is no disclosure or suggestion that any one of the plurality of cameras has its initial parameters selected such that they are the same as the master camera, or any other camera." *Id.* at 9. The Examiner responds by finding Matthews and Piccionelli teach a "hand-off" system allowing a user to select from among a plurality of available cameras. Ans. 10. The Examiner further finds "Lou teaches a sync unit that enables all of the available cameras to coordinate their pan/tilt and zoom settings so that the plurality of cameras are focused on the same object." *Id.* The Examiner cites to Lou for disclosing

[t]he master camera is controlled by a camera man, while the slave cameras can be driven to point to the same interesting point as the master camera. This is realized by a so-called master-slave tracking process . . . In some cases, however, the master camera can be controlled by an object tracking algorithm without commands from a real camera man.

Id. at 11 quoting Lou col. 7, ll. 8–11 (emphasis omitted). The Examiner concludes "causing the non-selected cameras to be synced to[/]with the currently-selected camera, such that its parameters are applied to a subsequently-selected camera, is consistent with the broadest reasonable interpretation of the recited initial parameters." *Id.*

We agree with the Examiner. Claim 1 requires selection of a new view causes a triggering of a selection of an appropriate camera and initial parameters of that camera. Providing initial parameters to a camera as taught by Lou necessarily includes selection of the camera. That is, under a broad but reasonable interpretation, providing the initial parameters to a particular camera includes selection of a camera to receive the parameters. Furthermore, the combination of Matthews and Piccionelli additionally teaches or suggests appropriate camera selection. *See* Ans. 2–3 and 15 (citing Matthews, Fig. 8). Although Appellant contends for the first time in the Reply Brief the Examiner’s finding of inherency is flawed for failure to provide supportive extrinsic evidence (Reply Br. 7–8), because the argument was not earlier presented in the Appeal Brief, it is waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

We are also not persuaded of error by Appellant’s argument that triggering cameras to shoot simultaneously detracts from Lou’s teaching of selecting a camera and providing the camera with initial parameters such as disclosed by Lou’s synchronization to a currently-selected camera. *See* Ans. 11.

In connection with contention 2, Appellant fails to provide sufficient evidence or argument that the combination of Matthews, Piccionelli, Lou, and Mottur yields anything other than predictable results. *See KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007) (“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”) Neither are we persuaded the combination is improper based on unsupported attorney argument that “[t]he teaching by Lou of synchronizing camera parameters across a plurality of cameras, such that all of the cameras trigger and shoot simultaneously, is

substantially different from, and therefore would not have suggested to persons of ordinary skill in the art [the disputed limitations.]” App. Br. 11. We are also not persuaded combining the respective familiar elements of the cited references in the manner proffered by the Examiner was “uniquely challenging or difficult for one of ordinary skill in the art.” *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418). Therefore, we find the Examiner’s proffered combination of familiar prior art elements according to their established functions would have conveyed a reasonable expectation of success to a person of ordinary skill at the time of the invention. We further find the Examiner has articulated reasoning with rational underpinnings sufficient to justify the legal conclusion of obviousness. Ans. 4–5, 13–14. Therefore, we find unpersuasive of error Appellant’s contention that the combination of Matthews, Piccionelli, Lou, and Mottur is improper.

Furthermore, absent sufficient persuasive evidence or argument explaining why the Examiner’s interpretation of the disputed limitation is improper, e.g., unreasonably broad, we are not persuaded of error by Appellant’s contention the interpretation is erroneous. *See* App. Br. 11–12.

In connection with contention 3, for the reasons *supra*, we are not persuaded the Examiner erred in finding Lou teaches automatically triggering selection of an appropriate camera and its initial parameters. App. Br. 12. The Examiner finds the “combined teachings of Matthews and Piccionelli teach an interactive multi-camera system wherein the user can arbitrarily change the desired viewing angle by selecting a camera corresponding to the desired view.” Ans. 15. The Examiner applies Lou and Mottur for teaching allowing a user to change parameters of the camera being viewed and Lou further for a sync unit that synchronizes the settings

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of cameras to track a particular object. *Id.* The Examiner concludes, and we agree, the “combined teachings of the references, when considered as a whole, render obvious the claimed invention.” *Id.*

In connection with contention 4, we find unpersuasive Appellant’s argument that the combination of Matthews, Piccionelli, Lou, and Mottur is improper or would fail to teach or suggest the disputed limitations (App. Br. 12–15) for the reasons *supra*.

Therefore, in the absence of sufficient evidence or argument, we are unpersuaded of Examiner error. Accordingly, we sustain the rejection of independent claim 1 and, for the same reasons, the rejection of independent claims 11, 21, and 24 under 35 U.S.C. § 103(a) over Matthews, Piccionelli, Lou, and Mottur together with the rejection of dependent claims 3–10, 13–20, 22, 23, 25, and 28 not separately argued. We further sustain the rejection of dependent claim 26 over Matthews, Piccionelli, Lou, Mottur, and Aagaard, this dependent claim also not separately argued.

CONCLUSIONS

The Examiner did not err in finding the combination of Matthews, Piccionelli, Lou, and Mottur teaches or suggests the disputed limitations of claim 1.

The Examiner did not err in combining the teachings of Matthews, Piccionelli, Lou, and Mottur in rejecting claim 1.

DECISION

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The Examiner's decision to reject claims 1, 3–11, 13–26, and 28 is affirmed.³

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

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³ We note claims 10 and 23 are directed to “[a] computer-readable storage medium.” However, rather than excluding transitory media, Appellant’s Specification discloses “‘computer-readable medium’ as used herein refers to any medium that participates in providing instructions to the processor 1003 for execution” including “transmission media.” Spec. ¶ 56. Consequently, the claimed computer-readable storage medium encompasses transitory media, which is not patent eligible. *See Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101* (Aug. 24, 2009), available at http://www.uspto.gov/patents/law/comments/2009-08-25_interim_101_instructions.pdf; see also David J. Kappos, *Subject Matter Eligibility of Computer Readable Media*, 1351 Off. Gaz. Pat. Office 212 (Feb. 23, 2010), and *Ex parte Mewherter*, 107 USPQ2d 1857, 1862 (PTAB 2013) (precedential). In the event of further prosecution, the Examiner should consider a 35 U.S.C. § 101 rejection of claims 10 and 23 as directed to non-statutory subject matter.