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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LIU REN

Appeal 2014-000777
Application 12/582,142
Technology Center 2600

Before ROBERT E. NAPPI, CARLA M. KRIVAK, and
JEFFREY A. STEPHENS, *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 1–4, 6–12, and 14–22. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

STATEMENT OF THE CASE

Appellant's invention is directed to navigation maps, particularly, 3D navigation methods using non-photorealistic (NPR) 3D maps (Spec. ¶ 1; Title).

Independent claims 1 and 15, reproduced below, are exemplary of the subject matter on appeal.

Claim 1. A method of displaying a navigation map, comprising the steps of:
automatically determining a location of a vehicle;
identifying three-dimensional data associated with buildings surrounding the vehicle;
rendering a nonphotorealistic image based on the data;
electronically displaying the nonphotorealistic image to a user; and
modifying a viewing angle of the nonphotorealistic image based on feedback from the user.

Claim 15. A method of displaying a navigation map, comprising the steps of:
automatically determining a location of a vehicle;
identifying three-dimensional data associated with buildings surrounding the vehicle;
receiving an input from a user, the input being indicative of a nonphotorealistic image style requested by the user;
rendering a nonphotorealistic image based on the data and based on the input; and
electronically displaying the nonphotorealistic image to the user.

REFERENCES and REJECTION

The Examiner rejected claims 1–4, 6–12, and 14–22 under 35 U.S.C. § 103(a) based upon the teachings of Herbst (US 7,818,124 B2;

iss. Oct. 19, 2010) and Jahnke (“Non-photorealistic Rendering on Mobile Devices and its Usability Concerns,” 2008).

ANALYSIS

With respect to claim 1, Appellant contends Herbst does not teach modifying a viewing angle of an image because Herbst describes viewing angles of different images and is silent as to modifying a viewing angle of a single image (App. Br. 9; Reply Br. 4). We are not persuaded of Examiner error. The Examiner finds Herbst’s selectability between three views of an image for a given location based on a direction of travel teaches modifying a viewing angle of an image (Ans. 3–4, 6–7). The skilled artisan would recognize that Herbst’s multiple views could be of a single image for a given location (Ans. 6–7).

Appellant also contends the viewing angle modified in Herbst is not based on user feedback, as the Examiner finds; but rather, is based on feedback from Herbst’s system/vehicle (App. Br. 9; Reply Br. 4). We do not find this contention persuasive. The Examiner finds that because a user operates the system/vehicle, Herbst’s feedback is based on the user (Ans. 3, 7).

Thus, we sustain the Examiner’s rejection of claim 1, independent claim 7 for which Appellant provides substantially the same arguments (App. Br. 10), and dependent claims 2–4, 6, 8–12, and 14 for which no separate arguments are provided (App. Br. 9, 10).

Claim 21 recites “the viewing angle ranges between an overhead bird’s-eye view to an upwardly looking angle from a ground level.” Appellant asserts although a bird’s eye view is not novel, “Herbst does not

disclose or suggest that a viewing angle may be modified, based on user feedback, between an overhead bird's-eye view to an upwardly looking angle from a ground level, as required by claim 21” (App. Br. 10). Further, Appellant contends the cited references are silent regarding “providing an upwardly looking angle from a ground level” (*id.*).

The Examiner finds Herbst discloses different viewing angles (birds-eye view, col. 10, ll. 65–67; 360° panoramic image, col. 7, ll. 27–29; and single view images; col 16, ll. 42–44) and ground level views are shown in Figures 6 and 15 (Ans. 8). We note Appellant’s claim does not require switching between a birds-eye view and an upwardly looking angle from a ground level; the viewing angle merely can range between the two viewing angles. Appellant has not persuaded us why Herbst does not teach the viewing angle can be a birds-eye view or a ground level view. We further note there is no such discussion in Appellant’s Specification of the viewing angle including an upwardly looking angle from a ground level, only a “viewing angle or any location at ground level or above” (Spec. ¶ 25). Thus, we sustain the Examiner’s rejection of claim 21.

With respect to separately argued claim 22, Appellant again contends Herbst does not teach an upwardly looking angle from a ground level (App. Br. 10; Reply Br. 6). As discussed *supra*, Appellant has not persuaded us the Examiner erred. Thus, we sustain the Examiner’s rejection of claim 22.

Independent claim 15 recites receiving an input from a user, the input being a non-photorealistic image style requested by the user. The Examiner finds Jahnke’s teaching of enlarging a selected non-photorealistic image inherently requests a non-photorealistic image style as claimed (Ans. 9–10).

Appellant contends Jahnke does not request an image style, but merely enlarges an image regardless of the image style (Reply Br. 7). We agree with Appellant that Jahnke does not teach or suggest style requests by the user. The Examiner does not rely on Herbst to remedy the deficiencies discussed with respect to Jahnke. We therefore do not sustain the Examiner's rejection of independent claim 15, and claims 16–20 dependent therefrom.

DECISION

The Examiner's decision rejecting claims 1–4, 6–12, 14, 21, and 22 is affirmed.

The Examiner's decision rejecting claims 15–20 is reversed.

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-IN-PART