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Kristine Elizabeth Matthews 7501 Henson Forest Drive Summerfield, NC 27358			CHEN, XUEMEI G	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* YEPING SU, XIAO-FAN FENG, HAO PAN, and  
YASUO OZAWA

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Appeal 2014-009910  
Application 12/170,427  
Technology Center 2600

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Before KRISTEN L. DROESCH, CATHERINE SHIANG, and  
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–49, which constitute all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

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<sup>1</sup> Appellants identify Sharp Laboratories of America as the real party in interest. Br. 1.

## THE INVENTION

The disclosed and claimed invention is directed to “methods and systems for display correction, in particular, for compression of display non-uniformity correction data and use of compressed display non-uniformity correction data.” Spec. ¶ 2.

Claims 1 and 9, reproduced below with the disputed claim limitations italicized, are illustrative of the claimed subject matter:

1. A method for storing corrective image data, said method comprising:

receiving a first correction image associated with a first display system, wherein said first correction image is decomposed into a structural part comprising vertically and horizontally aligned structures of said first correction image, wherein said vertically and horizontally aligned structures are represented by a column vector and a row vector, and a smoothly varying part, wherein said smoothly varying part comprises a smoothly varying component of said first correction image;

fitting a first model to said smoothly varying part of said first correction image, thereby producing at least one model parameter value associated with said first correction image;

encoding said at least one model parameter value associated with said first correction image, thereby producing encoded data associated with said first correction image; and

storing, in a storage location at said first display system, said encoded data and said column vector and said row vector.

9. A method for storing corrective image data, said method comprising:

receiving a plurality of correction images associated with a first display system, wherein each correction image in said plurality of correction images is associated with an image captured at a different gray level;

generating a plurality of eigenvectors associated with said plurality of correction images;

projecting each of said correction images onto the eigenspace defined by said plurality of eigenvectors, thereby producing a plurality of coefficients associated with each correction image in said plurality of correction images;

encoding said plurality of eigenvectors, thereby producing encoded data; and

storing, in a storage location at said first display system, said encoded data and said plurality of coefficients associated with each correction image in said plurality of correction images.

### REFERENCES

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

Keith	US 4,835,607	May 30, 1989
Tuceryan	US 6,044,168	Mar. 28, 2000
Razdan	US 2005/0168460 A1	Aug. 4, 2005
Mizukoshi	US 2007/0273701 A1	Nov. 29, 2007

Jean-François Aujol et al., *Structure-Texture Image Decomposition—Modeling, Algorithms, and Parameter Selection*, International Journal of Computer Vision (Feb. 2006) (hereinafter “Aujol”).<sup>2</sup>

### REJECTIONS

Claims 1–6, 8, 28, 29, 31, 32, and 34–36 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mizukoshi in view of Aujol and Keith. Final Act. 2–12.

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<sup>2</sup> The pages of Aujol are not numbered. The page numbers referred to in this Decision are for reference purposes, which reference numbers can be easily understood by assigning positive whole numbers consecutively to Aujol pages, beginning with numbering the first page as page 1.

Claims 7 and 33 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mizukoshi in view of Aujol, Keith, and Razdan. Final Act. 12–13.

Claims 9–13, 37, 38, and 47 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mizukoshi in view of Tuceryan. Final Act. 13–18.

Claims 14, 16–19, 21–25, 39, 41–43, 45, and 46 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mizukoshi in view of Tuceryan and Keith. Final Act. 18–21.

Claims 15, 27, 48, and 49 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mizukoshi in view of Tuceryan, Keith, and Aujol. Final Act. 22–23.

Claims 20, 26, 40, and 44 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mizukoshi in view of Tuceryan, Keith, and Razdan. Final Act. 23–24.

Claim 30 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mizukoshi in view of Aujol, Keith, and Tuceryan. Final Act. 24–25.

#### ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner erred. In reaching this decision, we have considered all evidence presented and all arguments made by Appellants. We are not persuaded by Appellants' arguments regarding claims 1–8 and 28–36. However, we are persuaded by Appellants' arguments regarding claims 9–27 and 37–49 that the Examiner erred.

*Claims 1–8 and 28–36*

Appellants argue the Examiner erred in finding Aujol teaches a first correction image that is “decomposed into a structural part . . . and a smoothly varying part,” as recited in claim 1. Br. 8. Specifically, Appellants state:

The Examiner argues, in the Office action dated 04/12/2013, hereinafter “the Office action,” Page 3, that Aujol discloses an image decomposition method by splitting an original image  $f$  into two components  $u$  and  $v$ ,  $u$  containing the geometrical information and  $v$  the textural information. This is distinctly different from decomposing an image into: 1) a structural part comprising vertically and horizontally aligned structures of the image and 2) a smoothly varying part. Aujol specifically teaches that the structural part corresponds “to the main large objects in the image” and that textural part contains “fine scale-details” (Aujol, page 2, left column, paragraph 1). Neither image component of Aujol is analogous to either image component of claim 1: firstly, the main large objects in an image are not analogous to either vertically and horizontally aligned structures or a smoothly varying component and, secondly, the fine scale-details are not analogous to either vertically and horizontally aligned structures or a smoothly varying component. Aujol does not teach image decomposition as claimed in claim 1.

*Id.*

The Examiner finds Aujol teaches the disputed limitation. Specifically, the Examiner finds “Aujol discloses an image decomposition method by splitting an original image  $f$  into two components  $u$  and  $v$ ,  $u$  containing the geometrical information and  $v$  the textural information.” Final Act. 3 (citing Aujol p. 2, left col., 3rd para., ll. 1–3). The Examiner further finds Aujol Figure 11 “shows the decomposition of a simple image by *TV-Gabor*,  $u$  in lower left panel with vertically (e.g. left/right side of the square) and horizontally (upper/lower side of the square and horizontal

stripes) aligned structures, and *v* in lower right panel with smooth texture.”

Ans. 7. The Examiner’s findings are based, in part, on applying the broadest reasonable construction to the claim and concluding the “the ‘vertically and horizontally aligned structures’ should be considered as a whole the structures present in a 2D image” and that the claim does not limit “how to decompose the image, nor defines the relative scales of the two parts with respect to each other.” Final Act. 5–6.

We are not persuaded by Appellants’ arguments that the Examiner erred. First, Appellants do not provide persuasive argument or evidence to support the assertion that Aujol does not teach the “first correction image” limitation recited in claim 1. To the extent Appellants make an argument, it consists of quoting the Final Office Action, providing a single sentence generically describing Aujol and stating in a conclusory fashion without any reasoning that Aujol does not teach the disputed claim limitation.

It is well settled that mere attorney arguments and conclusory statements, which are unsupported by factual evidence, are entitled to little probative value. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *see also In re Pearson*, 494 F.2d 1399, 1405 (CCPA 1974) (attorney argument is not evidence). Additionally, merely quoting or summarizing the claim language and making a naked assertion that the prior art does not teach the limitation — which is what Appellants did in this case — is insufficient to raise an argument that that Examiner erred. *See In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (Rule 41.37 requires “more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art.”); *see also* 37 C.F.R. § 41.37(c)(1)(iv) (“A statement which merely points out

what a claim recites will not be considered an argument for separate patentability of the claim.”); *cf. In re Baxter Travenol Labs.*, 952 F.2d 388, 391 (Fed. Cir. 1991) (“It is not the function of this court to examine the claims in greater detail than argued by an appellant, looking for [patentable] distinctions over the prior art.”).

Second, Appellants did not file a Reply Brief and, therefore, did not address or challenge the additional findings and conclusions made by the Examiner in the Answer. “If an appellant fails to present arguments on a particular issue — or, more broadly, on a particular rejection — the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection.” *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Accordingly, we are not persuaded of error based on Appellants’ arguments. Instead, we agree with and adopt the Examiner’s findings that Aujol teaches the disputed first correction image limitation recited in claim 1.

Therefore, we sustain the Examiner’s rejection of claim 1, along with the rejections of claims 28 and 31, which are argued on substantially the same grounds (Br. 9–11), and claims 2–6, 8, 29, 32, and 34–36, which are not argued separately (Br. 9, 10, 11). With regard to dependent claims 7, 30, and 33, Appellants merely contend that because the additional references used in the rejections of these claims (Razadan (claims 7 and 33) and Tuceryan (claim 30)) do not cure the shortcomings of the other references applied against the respective independent claims, the Examiner failed to make a *prima facie* case of obviousness for these claims. Br. 12, 21. Because we determine that the rejection of independent claims 1, 28, and 31

is not erroneous for the reasons discussed above, we sustain the rejections of these claims.

*Claims 9–27 and 37–49*

Appellants argue the Examiner erred in finding Mizukoshi teaches that each of the “plurality of correction images is associated with an image captured at a different gray level,” as recited in claim 9. Br. 13–14. Specifically, Appellants argue the cited sections “teach look-up-tables storing gamma correction data for obtaining a desired relationship between the light-emitting brightness and brightness data. *A look-up-table is not the same as an image.*” *Id.* (emphasis added). Appellants further argue that “[t]he image values in Mizukoshi are generated corrected values, which are not analogous to captured image values. Thus, this is not analogous to receiving a plurality of correction images, wherein each correction image is based on an image captured at a different gray level.” Br. 14.

The Examiner notes that “Mizukoshi *does not expressly disclose* a correction image as recited in claim 9.” Ans. 8 (emphasis added). However, the Examiner finds that because Mizukoshi teaches “a plurality of correction images” and that “the brightness (gray level) of the correction images is not fixed,” Mizukoshi teaches the disputed claim limitation. Final Act. 13–14 (citing Mizukoshi ¶¶ 50–52). The Examiner further finds:

Mizukoshi discloses that a display panel includes R, G, and B pixels and can input R, G and B brightness signals for the display of R, G and B colors (para[s]. [0051]-[0052]; Fig. 4). Therefore Mizukoshi teaches at least a plurality of R, G and B correction images. Actually the instant application also treats each color component a separate image (see para[s]. [0020] & [0038]). It is also noticed that Mizukoshi’s invention is for correction of a

display that is supposed to deal with images captured under various conditions. A display does not just stop after it receives and displays a single image. Besides, nothing in the claim requires that the correction images are related to each other in any way. One can practice Mizukoshi's method iteratively to meet the claim limitations regarding multiple correction images.

Ans. 9.

We have reviewed the cited sections of Mizukoshi. We determine that the Examiner's finding is not supported by Mizukoshi for the reasons set forth by Appellants. *See* Br. 13–14. A look-up table is not an image and the cited sections of Mizukoshi do not teach a plurality of images “captured at a different gray level,” as recited in claim 9.

Accordingly, we are constrained on this record to reverse the Examiner's rejection of claim 9, along with the rejections of claim 37, which recites a limitation commensurate in scope to the disputed limitation discussed above, and dependent claims 10–27 and 38–49.

#### DECISION

For the above reasons, we affirm the Examiner's decisions rejecting claims 1–8 and 28–36.

For the above reasons, we reverse the Examiner's decisions rejecting claims 9–27 and 37–49.

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