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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/634,078	12/09/2009	Hugh Phu Nguyen	070852.000172	6906

104840 7590 11/07/2016

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EXAMINER
KHAN, USMAN A

ART UNIT	PAPER NUMBER
2662	

NOTIFICATION DATE	DELIVERY MODE
11/07/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HUGH PHU NGUYEN

Appeal 2015-002593
Application 12/634,078
Technology Center 2600

Before ELENI MANTIS MERCADER, CARL W. WHITEHEAD JR., and ADAM J. PYONIN, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–5, 8–12, 15, 17–19, and 21, which are all pending claims. *See* Appeal Br. 4. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

STATEMENT OF THE CASE

Introduction

Appellant's disclosure relates to "processing sensor data in an image processor that implements at least one image enhancement process" and includes "performing a skin tone detection operation to identify skin tone areas in the sensor data." Abstract.

Claims 1, 8, and 15 are independent. Claim 1 is reproduced below for reference (with emphasis added):

> 1. A method for processing sensor data in an image processor that implements at least one image enhancement process, the method comprising:
>
> receiving sensor data from an image sensor;
>
> performing a skin tone detection operation to identify skin tone areas in the sensor data in pre-capture processing;
>
> selectively modifying at least one image enhancement process for the identified skin tone areas prior to image capture;
>
> *applying the at least one modified image enhancement process to the identified skin tone areas in the sensor data to generate modified sensor data*;
>
> *feeding the modified sensor data back to the image sensor*, thereby enabling the image sensor to capture an image using the modified sensor data; wherein each step is performed in the image processor;
>
> dividing the sensor data into blocks of pixels and calculating a percentage of the skin tone area within each block of pixels; and
>
> determining a weighting scheme, wherein the weighting scheme assigns weights to the at least one image enhancement process based on the percentage of the skin tone area within each block of pixels, and wherein the at least one image enhancement process is modified based on the weights assigned.

The Examiner's Rejections[1]

Claims 1–3, 8–10, 15, 17, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugimoto (US 2010/0026836 A1; Feb. 4, 2010), Pan (US 2007/0172119 A1; July 26, 2007), and Watanabe (US 6,961,462 B2; Nov. 1, 2005). Advisory Act. 2, Final Act. 3.

Claims 4, 11, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugimoto, Pan, Watanabe, and Jiang (US 2010/0158363 A1; June 24, 2010). Advisory Act. 2, Final Act. 7.

Claims 5, 12, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugimoto, Pan, Watanabe, and Jiang. Advisory Act. 2, Final Act. 9.

ANALYSIS

Appellant argues the Examiner erred, because Sugimoto "fails to disclose that an image processor applies the modified image enhancement process(es) … to generate modified sensor data and feeding that modified sensor data back to the image sensor." App. Br. 11. Regarding the image adjustments described in Sugimoto, Appellant contends "Sugimoto does not describe that these adjustments are performed on the sensor data in the image processor to generate modified sensor data and feeding that modified sensor data back to the image sensor." *Id.*

[1] An after-final amendment filed on June 17, 2014 was entered prior to this Appeal. *See* Advisory Action mailed June 25, 2014. The amendment canceled claims 6, 7, 13, 14, and 20, and added the subject matter of the canceled claims to independent claims 1, 8, and 15. *See* App. Br. 4.

We agree with Appellant. The Examiner finds "that Sugimoto teaches at least in paragraph 0011 that face region, brightness, and color information is detected [and] then the information is [fed] back to the control device and image sensor for controlling exposure based on the brightness of an area of the detected face . . . ." Ans. 2; *see also* Final Act. 3. The cited portion of Sugimoto describes "an exposure control device which controls exposure based on the brightness of an area of the detected face" and "a face tonal correcting device which performs tonal correction based on the brightness of the area of the detected face" (Sugimoto ¶ 11); however, the Examiner does not identify, nor do we find, any portion of Sugimoto in which such exposure and tonal controls are applied "to generate modified sensor data," followed by "feeding the modified sensor data back to the image sensor," as claimed.

We are persuaded Sugimoto does not teach or suggest the disputed limitations of claim 1, and the Examiner does not rely on the other cited references for such teachings. *See* Advisory Act. 2 and Final Act. 3. Accordingly, we find the Examiner erred in rejecting independent claim 1, and independent claims 9 and 15 which recite similar limitations. Thus, we are constrained by this record to reverse the rejection of the independent claims and the claims that depend therefrom.

DECISION

The Examiner's rejection of claims 1–5, 8–12, 15, 17–19, and 21 are reversed.

REVERSED