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QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			BEKELE, MEKONEN T	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SCOTT T. SWAZEY, SEYFULLAH HALIT OGUZ, and
AMIT ROHATGI

Appeal 2015-003619
Application 11/957,582
Technology Center 2600

Before LINZY T. McCARTNEY, NATHAN A. ENGELS, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1–100. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

We have considered Appellants' contentions in the Briefs, the Examiner's rejection, the Examiner's response to Appellants' contentions, and the evidence of record. We agree with Appellants that the Examiner has not established the combination of Tian (WO 2007/047755 A1; Apr. 26, 2007) and Jin (US 6,959,044 B1; Oct. 25, 2005) teaches or suggests

calculating second-order cross-correlations between pairs of the first order cross-correlations (“second-order” limitation), as recited in independent claim 1 and commensurately recited in independent claims 17, 33, 49, 65, 80, 96, and 98.

The Examiner relies on Jin to teach the disputed limitation. Final Act. 6 (citing Jin Fig. 4B, 7:40–8:15, claims 1–4). In particular, the Examiner finds the second-order correlations correspond to the fades, cut, and dissolve type transition effects obtained based on a scene change. *Id.*; *see also* Ans. 3–8. The Examiner further finds Jin teaches that for the determination as to whether a particular scene change is a fade, cut, or dissolve (equated by the Examiner to be the second-order correlation), it is first necessary to determine the presence of a scene change (first-order correlations) and thus Jin teaches the second-order cross-correlations are between pairs of the first order cross-correlations. *See* Ans. 4–6.

Appellants argue Jin does not disclose or suggest calculating second-order correlations *between pairs of the first-order correlations*. App. Br. 12–15; Reply Br. 2–6. Appellants acknowledge Jin discloses determining scene changes based on pixel comparison, a histogram comparison, and a DC image comparison. App. Br. 14. However, Appellants argue Jin does not disclose that pairs of the scene change calculations (identified by the Examiner as the first order cross-correlations) are used to determine whether a particular scene change is a fade, cut, or dissolve type scene change (identified by the Examiner to be the second-order correlation). *Id.* at 13–14.

We agree with Appellants. The cited sections of Jin describe that if a scene change is detected, tests are made to determine if the scene change is a

scene cut, a dissolve, or a fade. Jin Fig. 4B, 7:51–8:15. The relied upon sections of Jin do not describe how the tests are performed and thus do not teach that pairs of the scene change calculations (first-order cross-correlations) are used in the determination of scene type.

For the reasons stated above, Appellants persuade us the Examiner has not established the combination of Tian and Jin teaches the “second-order” limitation. The Examiner does not make any findings that the additional references of record teach or suggest the “second-order” limitation. Accordingly, we do not sustain the 35 U.S.C. § 103(a) rejections: (1) independent claims 1, 17, 33, 49, 65, 80, 96, and 98; and (2) the remaining claims, which depend from one of the aforementioned independent claims.

DECISION

We reverse the Examiner’s decision to reject claims 1–100.

REVERSED