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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* INDRA LAKSONO, JOHN POMEROY, and  
SALLY JEAN DAUB

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Appeal 2015-004264  
Application 13/297,489  
Technology Center 2400

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Before HUNG H. BUI, IRVIN E. BRANCH, and JON M. JURGOVAN,  
*Administrative Patent Judges.*

JURGOVAN, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants<sup>1</sup> seek review under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–14. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.<sup>2</sup>

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<sup>1</sup> Appellants identify ViXS Systems, Inc. as the real party in interest. (App. Br. 2.)

<sup>2</sup> Our Decision refers to the Specification filed Nov. 16, 2011 (“Spec.”), the Final Office Action mailed Aug. 15, 2014 (“Final Act.”), the Appeal Brief filed Dec. 2, 2014 (“App. Br.”), the Examiner’s Answer mailed Feb. 4, 2015 (“Ans.”), and the Reply Brief filed Feb. 16, 2015 (“Reply Br.”).

### CLAIMED INVENTION

The claims are directed to a video decoding device for generating a video/metadata output from metadata and video extracted from a processed video signal. (Spec. Abstract.) Claim 1, reproduced below with argued language emphasized, is illustrative of the claimed subject matter:

1. A video decoding device comprising:
  - a metadata extraction device that extracts metadata and a video signal from a processed video signal, wherein the metadata is time-coded in accordance with at least one time stamp of the video signal, wherein the metadata extraction device generates a selected portion of the metadata based on selection data and the metadata;
  - a metadata display generator, coupled to the metadata extraction device, that generates metadata display data in response to the selected portion of the metadata;
  - a video decoder, coupled to the metadata extraction device, that decodes the video signal to generate a decoded video signal and the at least one time stamp from the decoded video signal; and
  - an output interface, coupled to a metadata display generator and the video decoder, that generates a video/metadata output by synchronizing the metadata display data to the decoded video signal in accordance with the at least one time stamp.

(App. Br. 8 –Claims App’x.)

### REJECTIONS

Claims 1–3, 5–10, and 12–14 stand rejected under 35 U.S.C. § 103(a) based on McGrath (US 7,123,816 B2, iss. Oct. 17, 2006). (Final Act. 4–7.)

Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) based on McGrath and Alexander (US 2012/0272262 A1, pub. Oct. 25, 2012). (Final Act. 7–8.)

## ANALYSIS

At the outset, we note that the Appeal Brief appears to consider the first rejection (*see* REJECTIONS section, *supra*) to have been made under section 102 rather than section 103. (App. Br. 5.) In addition, the Appeal Brief indicates uncertainty whether claim 4 was included in the first rejection. (*Id.*)

We understand the Examiner's first rejection to be made under section **103(a)** over the single reference McGrath for claims 1–3, **5–10**, and 12–14<sup>3</sup>, and the second rejection to be made under section 103(a) over McGrath and Alexander for claims 4 and 11. The reference to claim 4 on page 5 of the Final Office Action is thus a typographical error.

### Claims 1 and 8

#### A. Argument that metadata and selection data are distinct

Appellants argue that the Examiner errs by interpreting McGrath's metadata to be both the metadata and selection data as recited in claims 1 and 8. (App. Br. 5.) According to Appellants, the description of these elements in the Specification requires that the claimed "selection data" and "metadata" must be interpreted as distinct elements. (Reply Br. 3–6<sup>4</sup>). Thus, Appellants argue the Examiner fails to establish that McGrath discloses selection data that is distinct from metadata. (*Id.*)

We give claims their broadest reasonable interpretation consistent with the Specification. See *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1369 (Fed. Cir. 2004). Although the claims are interpreted in light of

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<sup>3</sup> The rejection incorrectly numbered these claims as claims 1–3, **4–10**, and 12–14.

<sup>4</sup> The Reply Brief lacks page numbers. Nonetheless, we refer *seriatim* to the pages of the Reply Brief in our Decision.

the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181 (Fed. Cir. 1993).

Appellants cite several portions of the Specification as providing support that the claimed selection data is distinct from the metadata. (Reply Br. 3–6.) One excerpt from the Specification states that a user selection **226** includes configuration data to configure the output interface **228** to generate the video/metadata output **118** to include and exclude selected portions of the metadata display data **116** based on a user selection **226**. (Spec. 17:19–30). This excerpt states the user can provide selection data in the form of user selection **226**, which Appellants emphasize as particularly relevant to their argument. (App. Br. 4.) Another excerpt from the Specification, which Appellants emphasize, states that the metadata **205** or **207** is not only time-coded in accordance with at least one time stamp of the video signal, it is further associated with one or more forms of selection data so that a decoder can automatically select portions of the metadata for display, based on selection data present at the decoder. (App. Br. 4–5 citing Spec. 26:4–15.) Finally, Appellants cite Figures 5 and 20 of the Specification as showing that the selection data is different from the metadata.

We find the cited excerpts of the Specification do not *define* selection data and metadata to be separate elements. Although Figures 5 and 18–20 show the selection data and metadata to be separate at points in the respective signal flows, they also appear to be used together inside of output interface **228** to generate video/metadata output **118**. (See Figures 5 and 20). Moreover, the Specification’s statement that metadata can be *associated with* selection data (Spec. 26:4–9), broadly interpreted, would have been understood to include the possibility that one is included in the other. Furthermore, the Specification describes Figures 5 and 18–20 as different

embodiments (Spec. 2–3) so even if these figures could be understood to show selection data and metadata as separate elements in a part of their signal flows, this does not establish that the Specification defines them to be separate for all embodiments. Likewise, there is no limitation in the argued claims defining the selection data and metadata to be separate elements. Thus, Appellants’ argument is not commensurate in scope with the claims as presented.

Accordingly, we find no error in the Examiner’s interpretation of the claims as not requiring the claimed metadata and selection data to be distinct. (Ans. 6–7.) Furthermore, we find no error in the Examiner’s interpretation of McGrath’s semantic and syntactic metadata as equivalent to the claimed metadata (McGrath 1:53–2:12), and McGrath’s navigating metadata (McGrath 2:4–18) as equivalent to the claimed selection data. (*Id.*)

B. Argument regarding synchronizing the metadata display data to the decoded video signal

Claim 1 recites, *inter alia*: an output interface that “generates a video/metadata output by synchronizing the metadata display data to the decoded video signal in accordance with the at least one time stamp.” (App. Br. 6.) Appellants argue that while the rejection discusses metadata navigation, the Examiner failed to identify features of McGrath that are believed to disclose each element of the claims, and thus that the Final Office Action is “arbitrary and capricious” under the Administrative Procedure Act (5 U.S.C. § 706.) (“APA.”) (*Id.*)

In response to Appellants’ argument, the Examiner agrees that the exact claim phraseology of “synchronizing” was not mentioned in the Final Office Action, but reiterates that such information was described in the context of generating metadata that indicates when an associated video

signal is generated. (Ans. 6.) Further, the Examiner also indicates that McGrath discloses metadata associated with source content of audio/video material (1:63). Such metadata indicates a specific point in time in the audio/video material, such as the start period of a dialogue (1:61), and thus is synchronized to the audio/video material. Furthermore, according to the Examiner, a “time code” (7:26–28) or “time” metadata field (10:51–53) synchronizes metadata display data to a decoded video signal as claimed.

In their reply, Appellants acknowledge that the Examiner has provided specific citations to support the basis for the rejection. (Reply Br. 6.) We interpret this to mean that Appellants no longer contest the rejection as “arbitrary and capricious” under the APA. However, Appellants argue that the citations of McGrath fail to disclose using the “Time” metadata type to synchronize the metadata display data to the decoded video signal. (App. Br. 6–7.)

We disagree with Appellants. McGrath teaches that its metadata processor includes a user interface data processor **118** that receives commands from a user indicating which of a plurality of metadata types the user wishes to generate with the audio/video signals recorded by video camera 1. (10:39–63.) One of six possible metadata types is “Time” metadata, which is the time at which audio/video signals are generated. (*Id.*) Thus, McGrath teaches that the “Time” metadata is synchronized with recorded audio/video signals. McGrath Figure 10 shows a user interface with which a user can select metadata for display, including the “Time” metadata. (6:3–4, 9:33–10:4.) McGrath Figure 7 shows the audio/visual signal and “Time” metadata displayed together. (*Id.*) We agree with the Examiner the argued claim limitation is obvious in view of these disclosures in the prior art.

Moreover, Appellants have not presented persuasive evidence showing that synchronizing metadata display data to the decoded video signal in accordance with at least one time stamp was “uniquely challenging or difficult for one of ordinary skill in the art” or “represented an unobvious step over” the cited prior art. *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418–19 (2007)). For this additional reason, we are not persuaded of Examiner error.

#### Claims 2, 3, 9, and 10

Appellants argue claims 2, 3, 9, and 10 on the same basis as claims 1 and 8. (App. Br. 6.) Specifically, Appellants contend the Examiner attempts to read the claimed features on McGrath’s metadata, not selection data, in rejecting these claims. (*Id.*) For the reasons previously stated, Appellants do not persuade us of Examiner error in connection with these claims.

#### Remaining Claims

No separate arguments are presented for the dependent claims and therefore we sustain the rejection for the reasons previously stated. 37 C.F.R. § 41.37(c)(1)(iv); *In re King*, 801 F.2d 1324, 1325 (Fed. Cir. 1986); *In re Sernaker*, 702 F.2d 989, 991 (Fed. Cir. 1983).

#### DECISION

We affirm the Examiner’s rejections of claims 1–14 under 35 U.S.C. § 103(a).

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).

Appeal 2015-004264  
Application 13/297,489

AFFIRMED