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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/022,804	02/08/2011	Yusuke Minagawa	TI-66145	7421

23494 7590 11/01/2016
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EXAMINER

BELAI, NAOD W

ART UNIT	PAPER NUMBER
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2481

NOTIFICATION DATE	DELIVERY MODE
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11/01/2016

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YUSUKE MINAGAWA and SATORU YAMAUCHI

Appeal 2015-004433
Application 13/022,804
Technology Center 2400

Before MAHSHID D. SAADAT, NORMAN H. BEAMER, and
SCOTT E. BAIN, *Administrative Patent Judges*.

BAIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–13, which constitute all claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ Appellants identify Texas Instruments Incorporated as the real party in interest. App. Br. 3.

STATEMENT OF THE CASE

Introduction

Appellants' invention relates to error detection in the decoding of image data. Claims 1 and 7 are independent. Claim 1 is illustrative of the invention and the subject matter of this appeal, and reads as follows (with the disputed limitations in italics):

1. A method for decoding image data, the method comprising:

receiving a bit stream of encoded image data, wherein the image data was encoded in a selected domain by a transform function;

extracting a set of coefficients from the bit stream, wherein the set of coefficients represent a block of the image data;

comparing each coefficient to a theoretical model of a distribution of the coefficient data representative of the transform function; and

indicating a decoding error when a coefficient does not lie within the theoretical model.

App. Br. 9 (Claims App.).

The Rejections on Appeal

Claims 1–4, 7, and 9–11 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Lin et al. (US 6,721,362 B2; issued Apr. 13, 2004) (“Lin”) and Cirillo et al. (US 2007/0257835 A1; pub. Nov. 8, 2007) (“Cirillo”). Final Act. 4–6.

Claims 5, 6, 12, and 13 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Lin, Cirillo, and Hourunranta (US 2004/0101055 A1; pub. May 27, 2004). Final Act. 6–7.

Claim 8 stands rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Lin, Cirillo, and Lee (US 2009/0213938 A1; pub. Aug. 27, 2009). Final Act. 8.

ANALYSIS

We have reviewed the Examiner's rejections in light of the arguments raised in the Briefs, on the record before us. Appellants contend the Examiner erred in rejecting the claims, because (according to Appellants) the Examiner did not make any findings demonstrating a rationale or motivation to combine the references. App. Br. 6. For the reasons set forth below, we are persuaded by Appellants' argument and, therefore, we cannot sustain the Examiner's rejections.

Obviousness rejections "cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). In the Final Action, the only statement arguably addressing rationale to combine is the Examiner's circular assertion that it would have been obvious to "modify Lin's error detection method" by incorporating Cirillo "in order to implement an error detection method." Final Act. 5. Appellant responds, in the Opening Brief, that Cirillo's teaching of theoretical models for use in compression during encoding of data is entirely unrelated to the problem of error detection in decoding data, as taught in Lin. App. Br. 5–6. Specifically, Appellants maintain that Cirillo teaches constructing an improved compression of data in the encoding process, by representing coefficients as "departures from a standard statistical distribution function" such as "Laplacian, Gaussian, or

Rayleigh,” *id.* (citing Cirillo ¶ 56), and that one of ordinary skill would not, therefore, combine Cirillo with Lin. App. Br. 5–6. The Examiner’s Answer, like the Final Action, does not address Appellants’ argument and is devoid of any meaningful findings regarding the rationale or motivation for combining the references. The Answer merely states, “the obviousness conclusion was arrived upon discovering Cirillo’s reference” and “the Examiner determined . . . Lin can be combined with . . . Cirillo in order to arrive at [A]ppellants’ broadly claimed invention.” Ans. 9.

The record before us, namely the Final Action and Answer, includes only conclusory statements, with no reasoning or findings explaining the rationale for why one of ordinary skill in the art would combine Lin with Cirillo. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. at 418, *supra*. Given the absence of findings in the record, we cannot sustain the Examiner’s rejections.

DECISION

We reverse the Examiner’s rejections of claims 1–13.

REVERSED