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Paratus Law Group, PLLC 1765 Greensboro Station Place Suite 320 Tysons Corner, VA 22102			JONES, HEATHER RAE	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MASA HARU MATSUDO

Appeal 2016-000398
Application 13/482,471
Technology Center 2400

Before ALLEN R. MacDONALD, ROBERT E. NAPPI, and
STEVEN M. AMUNDSON *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final Rejection of claims 1 through 12. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We reverse.

INVENTION

Appellant's invention relates to a method and apparatus of correcting for error in a depth map used in rendering a stereoscopic image. *See* Abstract. Claim 1 is illustrative of the invention and reproduced below:

1. An image processing apparatus comprising:
 - a reading and writing unit that writes and reads on and from a recording medium depth information indicating a depth of a subject in frames of a moving image and change information indicating a change between continuous frames in a series of frames,; and
 - a depth information correcting unit that corrects errors in the depth information due to noise to time smooth the depth information, wherein the depth information correcting unit corrects the errors in the depth information based on the change information read by the reading and writing unit,
 - wherein the reading and writing unit performs overwriting with the depth information corrected by the depth information correcting unit on the recording medium.

REJECTIONS AT ISSUE

The Examiner has rejected claims 1, 2, and 8 through 12 under 35 U.S.C. § 103(a) as being unpatentable over Masuda (US 8,044,997 B2; Oct. 25, 2011) and Son (US 2010/0201790 A1; Aug. 12, 2010). Answer. 2–9.¹

The Examiner has rejected claims 3 through 7 under 35 U.S.C. § 103(a) as being unpatentable over Masuda, Son, and Koo (US 2011/0109731 A1; May 12, 2011). Answer. 9–15.

ISSUES

Appellant argues, on pages 11 through 14 of the Appeal Brief and pages 4 through 6 of the Reply Brief, that the Examiner's rejection of independent claims 1, 11, and 12 is in error. The dispositive issue presented by these arguments is: Did the Examiner err in finding the combination of Masuda and Son teaches a depth information correction unit that corrects errors based upon the change information due to noise to time smooth the depth information?

ANALYSIS

We have reviewed Appellant's arguments in the Brief, the Examiner's rejections and the Examiner's response to the Appellant's arguments. Appellant's arguments have persuaded us of error in the Examiner's rejection of independent claims 1, 11, and 12.

In response to Appellant's arguments, the Examiner finds that Masuda teaches a depth adjusting section which adjusts for sudden changes in depths during scenes. Answer 15. Further, the Examiner finds that Son teaches

¹ Throughout this Opinion, we refer to the Appeal Brief (filed February 26, 2015); Reply Brief (filed October 7, 2015); and the Examiner's Answer (mailed August 12, 2015).

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smoothing user position data to correct errors from noise. Answer 15, 16. Based upon these findings the Examiner finds the disputed limitation is taught by the combination of Masuda and Son. We concur with the Examiner's findings concerning Masuda. However, while Son does teach smoothing position data to correct errors from noise, the information is directed to the position of the viewer of an image and not the depth information as claimed. Accordingly we do not sustain the Examiner's rejection independent claims 1, 11, and 12, and claims 2 and 8 through 10, which are similarly rejected.

The Examiner has not shown that the additional teachings of Koo make up for the deficiency in the rejection of claims 1, 11, and 12. Accordingly, we do not sustain the Examiner's rejection of claims 3 through 7 for the same reasons as claim 1.

DECISION

The decision of the Examiner to reject claims 1 through 12 is reversed.

REVERSED