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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANDRE SLUPIK and XAVIER BERARD[1]

Appeal 2017-010950
Application 14/806,025
Technology Center 2400

Before CAROLYN D. THOMAS, JASON V. MORGAN, and JASON M. REPKO, *Administrative Patent Judges*.

MORGAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Introduction

This is an Appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–9. An oral hearing was held August 13, 2019. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

[1] Appellant is the Applicant and real party in interest, Genetec Inc. Appeal Br. 2.

Summary of the disclosure

The Specification discloses a "system to perform processing operations of input (video) streams." Abstract.

Illustrative claim (*key limitations emphasized*)

1. A security system video monitoring workstation for processing and displaying a plurality of streams of encoded or compressed video, the workstation comprising:

a multi-core central processing unit (CPU);

a data network interface;

a display control device comprising at least one graphics processing unit (GPU) having multiple hardware cores configured for video decoding multiple video streams;

memory storing instances of a GPU codec driver executable by said CPU and each configured to send one of said streams of encoded or compressed video to said at least one GPU with instructions to decode said one of said streams and to display said one of said streams in a predetermined tile of a display;

memory storing instances of at least one video codec program module executable by said CPU and configured to decode a format of encoded or compressed video and to send decoded video image data to said at least one GPU for scaling and output in a predetermined tile of a display;

memory storing a stream receiving and dispatching program module executable by said CPU and configured to receive said plurality of streams of encoded or compressed video from said data network interface and to selectively relay each one of said streams to either one of said GPU codec driver instances or to one of said video codec program module instances; and

memory storing a control program module executable by said CPU and configured to *detect a processing error or failure of one of said GPU codec driver instances handling a given one of said streams and, in response to said error or failure, cause said stream receiving and dispatching program module to relay said given one of said streams to one of said video codec*

> *program module instances with instruction to display said given one of said streams* in a same predetermined tile of said display.

Examiner's rejection and references

The Examiner rejects claims 1–9 under 35 U.S.C. § 103 as being unpatentable over Mabey (US 2009/0290645 A1; published Nov. 26, 2009), Nasoff et al. (US 2003/0189581 A1; published Oct. 9, 2003) ("Nasoff"), and Cox et al. (US 2008/0303946 A1; published Dec. 11, 2008) ("Cox"). Final Act. 11–20.

ANALYSIS

In rejecting claim 1 as obvious, the Examiner finds Mabey's storage of computer executable instructions for performing processes related to encoding of video content, in combination with Cox's determination whether a video source is valid and Nasoff's tiled window images, teaches or suggests *detecting a processing error or failure of a GPU codec driver instance handling a stream and, in response to the error or failure, causing a stream receiving and dispatching program module to relay the stream to a video codec program module instance with instruction to display the stream*. Final Act. 14–15 (citing, e.g., Mabey ¶¶ 39–41, Figs. 3, 4; Cox ¶ 128, Fig. 10; Nasoff ¶ 24, Fig. 2A). The Examiner, in particular, relies on Cox to teach "'in response to said error or failure' in Fig. 10: Ref. 1008 and 'relay said given one of said stream to one of said video codec program module instances' in Fig. 10: Ref. 1012, 1014, and 1006." Ans. 14.

Appellant contends the Examiner erred because the relied upon disclosure of Cox merely teaches signal validation "used to determine whether a valid input has been received" (Appeal Br. 15) and, if no valid

signal is received, to display internally-created images (*id.* at 16). Appellant argues that "Cox deals with the absence of a valid signal on the port by accepting no input from the port and therefore does nothing with an 'invalid' video signal." *Id.* at 18. Appellant contrasts this with the claimed invention, which Appellant argues "detect[s] an error or failure of a GPU codec that is handling a stream, and redispatch[es] the stream to a software codec." Reply Br. 2.

We agree with Appellant the Examiner erred. In the Final Action, the Examiner relies on disclosures in Cox related to detecting that an external video source is valid and displaying the external video source on a display. *See* Final Act. 15 (Cox "*Fig. 10: Ref 1010 shows that* ***in response to validation of*** [***a***] ***correct video format, the video source is relayed to*** [***a***] ***GPU codec for display***"). Relaying a video source to a GPU codec for display because the video format of the video source is correct (i.e., is valid) does not teach or suggest responding to an *error or failure* in the stream; the video format of the video source being correct is not an error or failure.

In the Answer, the Examiner relies on the disclosure in Cox of the external video source being invalid. Ans. 14 (citing Cox, Fig. 10, Refs. 1006, 1008, 1012, 1014). When the external video source in Cox is found to be invalid, however, Cox merely waits at step 1012, determines if a timeout has been exceeded at step 1014, and, if the timeout has not been exceeded, again determines if the external video source is valid at step 1006. Cox, Fig. 10. If the timeout has been exceeded, then Cox powers down the computer at step 1016. *Id.* Thus, Cox does not respond to an invalid video source by relaying the video source (i.e., the stream) to a video codec module instance

with instructions to display the stream. Rather, Cox periodically tests the video source to see if becomes valid before a timeout expires.

The teachings and suggestions of Cox that the Examiner relies on either do not relate to responding to an error or failure (Final Act. 15) or do not relate to responding to an error or failure by relaying the video stream in the claimed manner (Ans. 14), and the Examiner does not show that the combination of the relied on features of Cox teaches or suggests the disputed recitations. Moreover, the Examiner does not rely on Mabey or Nasoff to cure this deficiency in Cox. Therefore, we agree with Appellant that the Examiner does not show that the combination of Mabey, Cox, and Nasoff teaches or suggests the recitations of

> detect[ing] a processing error or failure of one of said GPU codec driver instances handling a given one of said streams and, in response to said error or failure, caus[ing] said stream receiving and dispatching program module to relay said given one of said streams to one of said video codec program module instances with instruction to display said given one of said streams,

as recited in claim 1.

Accordingly, we do not sustain the Examiner's 35 U.S.C. § 103 rejection of claim 1, and claims 2–9, which contain similar recitations and which the Examiner rejects based on similar findings and conclusions. Final Act. 11–20.

DECISION

We do not sustain the Examiner's decision rejecting claims 1–9.

REVERSED