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COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518			SECHSER, JILL D	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JONATAN SAMUELSSON, RICKARD SJOBERG,
and PER WENNERSTEN

Appeal 2018-006816
Application 13/637,242
Technology Center 2400

Before JENNIFER S. BISK, LARRY J. HUME, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 19 and 22, which are all claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ We use the word "Appellant" to refer to "[A]pplicant" as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Telefonaktiebolaget L M Ericsson. Appeal Br. 2.

BACKGROUND²

Appellant's disclosed embodiments and claimed invention relate to "management of pictures in a video encoding/decoding process." Spec. 1:4. Claim 19, reproduced below, is illustrative of the subject matter on appeal:

19. A method of decoding a representation of a current picture of a video stream of multiple pictures belonging to multiple temporal layers using reference pictures, wherein each picture belongs to a temporal layer, of said multiple temporal layers, identified by a temporal layer identity, the method comprising:

receiving least significant bits of a Picture Order Count (POC) value (`pic_order_cnt_lsb`) of the current picture from a bitstream;

identifying a previous reference picture in decoding order that has a temporal layer identity equal to zero, said previous reference picture belonging to a temporal layer identified by the temporal layer identity;

determining the POC value of the current picture, to be used by the decoder, as a sum of the `pic_order_cnt_lsb` and most significant bits of the POC value (`PicOrderCntMsb`) of the current picture;

wherein the `PicOrderCntMsb` of the current picture is derived using at least a `prevPicOrderCntMsb` and a `prevPicOrderCntLsb`, where:

the `prevPicOrderCntMsb` is set equal to the `PicOrderCntMsb` of the identified previous reference picture in decoding order that has the temporal layer identity equal to zero; and

² Throughout this Decision we have considered the Specification filed September 25, 2012 ("Spec."), the Non-Final Office Action mailed August 23, 2017 ("Non-Final Act."), the Appeal Brief filed January 5, 2018 ("Appeal Br."), the Examiner's Answer mailed May 10, 2018 ("Ans."), and the Reply Brief filed June 20, 2018 ("Reply Br.").

the prevPicOrderCntLsb is set equal to the pic_order_cnt_lsb of the identified previous reference picture in decoding order that has the temporal layer identity equal to zero.

Appeal Br. 10 (Claims App.).

REJECTION

Claims 19 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of US 2007/0183494 A1, published Aug. 9, 2007 (“Hannuksela ’494”) and WO 2007/080223 A1, published July 19, 2007 (“Hannuksela ’223”). Non-Final Act. 5–10.

ANALYSIS

We review the appealed rejections for error based upon the issues identified by Appellant, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). To the extent Appellant has not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. 37 C.F.R. § 41.37(c)(1)(iv) (2017).

We have considered all of Appellant’s arguments and any evidence presented. We highlight and address specific findings and arguments for emphasis in our analysis below.

Rejection of Claims 19 and 22 under 35 U.S.C. § 103

The Examiner finds that claims 19 and 22 would have been obvious over the combination of Hannuksela ’494 and Hannuksela ’223. Non-Final Act. 5–10. Specifically, the Examiner contends that Hannuksela ’223 teaches or suggests “determining the [Picture Order Count] POC value of the

current picture, to be used by the decoder, as a sum of the pic_order_cnt_lsb and most significant bits of the POC value (PicOrderCntMsb) of the current picture,” as recited by each of the independent claims, 19 and 22. Non-Final Act. 7 (citing Hannuksela ’223, 44).

Appellant argues that “nothing in the Examiner’s argument or in the cited section of Hannuksela223 supports the Examiner’s position that Hannuksela223 teaches **summing** pic_order_cnt_lsb and PicOrderCntMsb to determine the POC value of the current picture.” Appeal Br. 3; *see also* Appeal Br. 7 (“Further, nothing in the cited section or the rest of Hannuksela223 teaches or suggests determining a POC value of the current picture as a sum of the pic_order_cnt_lsb and the PicOrderCntMsb of the current picture, as recited in the claims.”).

We agree with Appellant that the Examiner does not sufficiently explain, nor is it clear from the cited portions of Hannuksela ’223, if or how Hannuksela ’223 determines the POC value of the current picture. We see no disclosure in any of the cited portions of Hannuksela ’223 that pic_order_cnt_lsb and PicOrderCntMsb are added together. And the Examiner does not explain that a person of ordinary skill in the art would find such determination obvious based on Hannuksela ’223’s disclosure. *See* Non-Final Act. 3–4, 6–8; Ans. 2–3.

Because we agree with at least one of the dispositive arguments advanced by Appellant, we need not reach the merits of Appellant’s other arguments. *See Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984) (finding an administrative agency is at liberty to reach a decision based on “a single dispositive issue”).

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We, therefore, do not sustain the Examiner's rejection of claims 19 and 22 as obvious over Hannuksela '494 and Hannuksela '223.

CONCLUSION

We reverse the Examiner's rejection of claims 19 and 22 under 35 U.S.C. § 103(a).

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	References/Basis	Affirmed	Reversed
19, 22	103(a)	Hannuksela '494, Hannuksela '223		19, 22

REVERSED