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14/823,501	08/11/2015	Junichi KOSAKA	10153US03CON	2584

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EXAMINER
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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 JUNICHI KOSAKA[1]

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Appeal 2018-008304
Application 14/823,501
Technology Center 2600

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Before BRADLEY W. BAUMEISTER, JASON V. MORGAN, and
DAVID J. CUTITTA II, *Administrative Patent Judges*.

BAUMEISTER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's final
rejection of claims 1–20, which constitute all claims pending in this
application. Appeal Br. 5.[2] We have jurisdiction under 35 U.S.C. § 6(b).[3]

We reverse.

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[1] We use the word "Appellant" to refer to "applicant" as defined in
37 C.F.R. § 1.42. Appellant identifies Sony Mobile Communications Inc. as
the real party in interest. Appeal Brief filed February 28, 2018 ("Appeal
Br.") 1.

[2] We refer to the above mentioned Appeal Brief, as well as the following
documents for their respective details: the Final Action mailed June 30,
2017 ("Final Act."); the Examiner's Answer mailed June 14, 2018 ("Ans.");
and the Reply Brief filed August 14, 2018 ("Reply Br.").

[3] Oral argument was held February 26, 2020. The transcript will be entered
into the record in due course.

CLAIMED SUBJECT MATTER

Appellant describes the present invention as follows:

An information processing apparatus that includes a camera unit including an imaging sensor that captures an image; a display that displays an image; 0and a processor that: clips an image region having a size corresponding to a photography zoom power from an image captured by the camera unit; adjusts a clipping position at a time of clipping the image region from the image; and controls the display to display the clipped image region on the display.

Abstract.

Independent claim 1, reproduced below, illustrates the appealed claims:

1.   An information processing apparatus comprising:

a display that displays an image captured by a camera unit including an image sensor; and

circuitry configured to

control the camera unit to clip an image region having a size corresponding to a photography zoom power from the image captured by the camera unit;

detect a user input, wherein the user input is a single continuous dragging gesture performed by the user's finger;

control the camera unit to adjust center coordinates of a clipping position at a time of clipping the image region from the image without changing the photography zoom power by multiplying a parameter indicative of a movement of the user input by a predetermined scale factor; and

control the display to display the clipped image region on the display.

THE REFERENCES

The Examiner bases the prior-art rejections on the following references:

Name	Reference	Date
Yata	2010/0098397 Al	Apr. 22, 2010
Yokohata	2010/0157105 Al	June 24, 2010
Kim et al.	2010/0173678 Al	July 8, 2010
Kojima et al.	2011/0019239 Al	Jan. 27, 2011
Coddington	2014/0129995 Al	May 8, 2014

STATEMENT OF THE REJECTIONS

Claims 1–11 and 14–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, Yokohata, Coddington, and Kojima. Final Act. 2–10.[4]

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, Yokohata, Coddington, Kojima, and Yata. *Id.* at 10–12.

STANDARD OF REVIEW

The Board conducts a limited *de novo* review of 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).

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[4] The statement of rejection omits claim 18 from list of rejected claims. Final Act. 2. However, the body of the rejection addresses claim 18. *Id.* at 10. Accordingly, we understand the statement of rejection to include a clerical error and intend to recite claim 18.

DETERMINATIONS AND CONTENTIONS

The Examiner finds that the cited combination teaches all of the limitations of the independent claims. Final Act. 2–5. Of particular relevance, the Examiner relies on the combination of Coddington and Kojima for teaching the claim limitation,

> circuitry configured to . . . control the camera unit to adjust center coordinates of a clipping position at a time of clipping the image region from the image without changing the photography zoom power by multiplying a parameter indicative of a movement of the user input by a predetermined scale factor.

Id. at 4; Ans. 12–13.

More specifically, the Examiner initially finds that Coddington teaches "adjusting a clipping position at a time of clipping the image region from the image by multiplying a parameter indicative of a movement of the user input by a predetermined scale factor." Final Act. 4. Subsequently, though, the Examiner alternatively finds that the combined teaching of Kim, Yokohata, and Coddington fails to teach that "the user input is a single continuous dragging gesture performed by the user's finger, and to adjust center coordinates of a clipping position, without changing the photography zoom power." *Id.* at 5. The Examiner relies on Kojima to cure the deficiencies of Coddington, finding that Kojima teaches, *inter alia*, "adjust[ing] the center coordinates of a clipping position . . . without changing the photography zoom power." *Id.* at 5. The Examiner subsequently reiterates that Yokohata is relied upon to teach "adjust[ing] center coordinates." Ans. 12.

Appellant argues, *inter alia*, that Coddington fails to disclose "[a parameter indicative of a movement of the user input] is multiplied by a

4

predetermined scale factor." Appeal Br. 7. Appellant further argues *Kojima* fails to remedy this deficiency in Coddington. *Id.*

ANALYSIS

We agree with Appellant that Coddington fails to disclose "multiplying a parameter . . . by a predetermined scaling factor," as claimed. The Examiner does not explain what particular element or step in Coddington allegedly corresponds to or performs the claimed multiplication by a scaling factor. Final Act. 2–5; Ans. 12–13. Furthermore, the portions of Coddington cited by the Examiner alternatively disclose using a pinch and/or stretch gesture to control a zoom function—not an adjustment to the center coordinates of a clipping position, much less such an adjustment that is based on a function of a scale factor, as claimed. Coddington ¶¶ 28, 48, 50; FIG. 2, *cited in* Final Act. 4.

The Examiner also fails to point to any of the other cited references to cure this deficiency in Coddington. Thus, the Examiner has not established that the cited combination of references discloses or suggests this limitation of claim 1. For these reasons, we do not sustain the obviousness rejection of independent claim 1, of independent claims 14 and 19, which recite similar language, or of claims 2–11, 15–18, and 20, which depend from these independent claims.

With respect to the remaining obviousness rejection of dependent claims 12 and 13, the Examiner does not rely on the additionally cited reference, Yata, to cure the deficiencies explained above. Final Act. 10–12. Accordingly, we likewise do not sustain the obviousness rejection of these claims for the reasons set forth for claim 1 above.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1–11, 14–20	103	Kim, Yokohata, Coddington, Kojima		1–11, 14–20
12, 13	103	Kim, Yokohata, Coddington, Kojima, Yata		12, 13
Overall Outcome				1–20

REVERSED