



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/089,169	11/25/2013	Wiebe de Haan	1995P01070US03	6028
24737	7590	12/26/2019	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			LEE, Y YOUNG	
465 Columbus Avenue			ART UNIT	
Suite 340			PAPER NUMBER	
Valhalla, NY 10595			2485	
			NOTIFICATION DATE	
			DELIVERY MODE	
			12/26/2019	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

katelyn.mulroy@philips.com
marianne.fox@philips.com
patti.demichele@Philips.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WIEBE DE HAAN

Appeal 2019-000808
Application 14/089,169
Technology Center 2400

Before CARL W. WHITEHEAD JR., DAVID M. KOHUT and
IRVIN E. BRANCH, *Administrative Patent Judges*.

PER CURIAM

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 5, 29, 30, and 32–34.² Appeal Br. 12; Final Act., Summary (Form PTOL-326). We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use “Appellant” to reference the applicant as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as “Koninklijke Philips N.V.” Appeal Br. 2.

² Claims 1–4, 6–14, 16–28, and 31 were previously withdrawn and claim 15 was previously cancelled.

STATEMENT OF THE CASE

APPELLANT'S INVENTION

Appellant describes the invention as follows:

A problem in the [art] is that a subtitle displayed on a television screen stays there until a next subtitle is received, so that a subtitle may remain too long on the screen[.] . . .

It is an object of the invention to . . . transmit[] video information for which the reproduction of [subtitle] overlay information is independent of [such] information . . . transmitted at a later stage.

Spec. 1, ll. 23–30. Claim 32 is illustrative and reproduced, below, with emphasis on an argued feature.

32. A presentation device for producing a presentation, comprising:

a receiver configured for receiving basic information comprising a series of frames, and overlay information comprising multiple overlay portions, and overlay time information indicating periods of time for controlling when respective overlay portions are to be presented combined into respective frames of the basic information; and

a combiner configured for combining the basic information with the overlay information to form a presentation, by, for respective overlay portions, substituting the same portion of the overlay information for corresponding portions in the same areas of multiple respective frames of the series of frames in the presentation;

wherein the areas of the multiple subsequent respective frames in the presentation, corresponding to the overlay portions, are not included in the presentation, and

wherein the overlay time information comprises an indication of a duration of an overlay portion for controlling the period of time in the presentation in which the overlay portion is to be

*presented and removed after expiration of the duration
irrespective of other information to be read subsequent to the
overlay information.*

Appeal Br. 29–30 (Claims Appendix).

REFERENCE

Name	Reference	Date
Nomura	US 5,097,349	March 17, 1992

REJECTION

Claims 5, 29, 30, and 32–34 stand rejected under 35 U.S.C. § 102(b) as anticipated by Nomura. Ans. 3–4; Final Act. 2–3; Non-Final Act. 3.

ANALYSIS

For the reasons below, we are unpersuaded of error in the rejection of independent claim 32. For the same reasons, we are unpersuaded of error in the rejections of claims 5, 29, 30, 33, and 34, which are not separately argued. *See e.g.*, Appeal Br. 14 (“Nomura does not disclose or suggest the present invention as recited in independent claim 5, and similarly recited in independent claims 29, 30 and 32–34.”); *see also* 37 C.F.R. § 41.37(c)(1)(iv) (“When multiple claims subject to the same ground of rejection are argued as a group . . . , the Board may select a single claim . . . and may decide the appeal as to the ground of rejection . . . on the basis of the selected claim alone.”).

Appellant contends that each claim “defines the duration as being indicative of a time from an instant at which the overlay information is presented.” Appeal Br. 13 (emphases omitted). Addressing the Examiner’s

reading of this claimed duration on Nomura's below-addressed start and end times (*see* Ans. 4–5; Final Act. 2–3; Non-Final Act. 3), Appellant specifically contends these “are start and end times of CD areas.” *Id.*

We are unpersuaded. As reflected above, Nomura teaches “start and end times of small portions which together constitute each area.” Nomura col. 7, ll. 11–16; *see also* Ans. 4–5 (addressing Nomura col. 7, ll. 11–16). We find these start and end times for “portions” of an area (*id.* at col. 7, ll. 15–16) indicate when Nomura's invention overlays “regions” on a picture in the manner shown by Figures 14–15. *See* Nomura col. 14, ll. 6–27; *see also* Ans. 3–4 (addressing Nomura's Figs. 15A–C). We find so because Nomura's subcode includes the cited start and end times (*see id.* at col. 1, ll. 44–45; col. 7, l. 11) and controls the overlay of the above regions on a picture (*see id.* at col. 3, ll. 13–14; col. 14, ll. 22–27; Figs. 15A–C (“SUBCODE” regions)). Further, Nomura corresponds the above “portions” and “regions” to one another by stating that Figure 14's constructed picture (bottom) results from setting the mixing ratio of a video format signal (*id.* at col. 14, ll. 1–7) “to 100% for a portion corresponding to each pixel within the region D' of picture B” (*id.* at col. 14, ll. 17–19). Per the above disclosures, the cited “start and end times of small portions which together constitute each area” (*id.* at col. 7, ll. 15–16) include start and end times of a video format signal portion that constitutes part of a CD area (*see e.g., id.* at col. 6, ll. 54–56 (area 20b)) and overlays a region on a picture (*see e.g., id.* at Figs. 14 (region D')). Accordingly, we agree with the Examiner (Ans. 4–5) that the cited start and end times are reasonably understood as start and end times for overlaying a region on a picture.

Appellant also contends that, even assuming an overlay duration is

derived from Nomura's cited start and end times, "such a derivation requires calculation . . . [whereas the claimed] duration is included in the overlay information." Appeal Br. 13.

We are unpersuaded. Claim 32 recites the overlay information and included overlay duration as follows: "the overlay time information comprises an indication of a duration of an overlay portion[;] . . . the duration [being] irrespective of other information." As its recited, the duration need only be indicated by "time information" and "irrespective of other information" (i.e., definitive). "Start and end times" (Nomura, col. 7, l. 15) are plainly time information that definitively describes a duration.

Appellant also contends that, if Nomura's cited start and end times indicate an overlay duration, then "there is no reason . . . to do any counting [because] . . . start t_{start} and stop t_{stop} times . . . are provided." Reply Br. 3.

We are unpersuaded. Claim 32 does not recite any counting. Only claims 5, 29, and 30 recite counting. We have selected claim 32—not one of claims 5, 29, and 30—to decide the appeal. Even if we were to consider "the overlay time information comprises an indication of a duration of an overlay[;] . . . the duration being indicative of a time . . . the overlay information is presented and is counted" limitation, found in claims 5, 29, and 30, Appellant's contention would be unpersuasive. We find the claims only require an indication of a duration, which itself need only be indicative of a time period that is counted. Nomura's cited start and end times, if merely defined by a unit of time (as opposed to events), represent a duration that is indicative of a counted time period (e.g., a quantity of seconds). *See* Nomura, col. 7, l. 15. Appellant does not rebut the Examiner's finding that an artisan would recognize the start and end times as being defined by a unit

Appeal 2019-000808
Application 14/089,169

of time. Indeed, Appellant does not even dispute that “one of ‘ordinary skilled in the art would have had no difficulty in recognizing that a duration from start to end can be simply counted in seconds.’” Reply Br. 3 (quoting Ans. 5).

CONCLUSION

For the foregoing reasons, we affirm the Examiner’s rejection of claims 5, 29, 30, and 32–34.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference/Basis	Affirmed	Reversed
5, 29, 30, 32–34	102(b)	Nomura	5, 29, 30, 32–34	

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED