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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FREDRIK NILSSON, LUKE HALLIWELL, JOSIAH LARSON,
and MATTHEW CHRISTOPHER GONG

Appeal 2020-000996
Application 14/737,183
Technology Center 2600

Before ST. JOHN COURTENAY III, ELENI MANTIS MERCARDER, and
JUSTIN BUSCH, *Administrative Patent Judges*.

BUSCH, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the
Examiner's decision to reject claims 1–57, which are all the claims pending.
We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in
37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Dream
Works Animation LLC. Appeal Br. 3.

STATEMENT OF THE CASE

INTRODUCTION

The claimed subject matter generally relates to systems and methods for reviewing and editing computer generated animations. Spec., Abstract. In particular, the claim relates to a particular layout of content in a graphical user interface (GUI) such that the interface displays (1) multiple partitions within a first portion of the GUI, each partition including an image representing a segment of an animation comprising frames that were rendered using a set of geometry data and, (2) in response to receiving a user selection of a particular segment, concurrently displaying a geometric representation of that segment of the animation. *See* Appeal Br. 26–27 (claim 1); Spec. ¶¶ 31–32, 38, 55–56, Figs. 3, 10. Claims 1 (method), 13 (computer readable storage medium), and 25 (system) are independent claims. Claim 1 is reproduced below:

1. A computer-implemented method for reviewing and editing a computer-generated animation, the method comprising:
 - causing, by one or more processors, a display of an interface comprising a plurality of partitions representing a plurality of segments of the computer-generated animation,
 - wherein the plurality of partitions are displayed in a first portion of the interface,
 - wherein a first partition of the plurality of partitions is displayed in the first portion of the interface,
 - wherein the first partition includes an image representing a first segment of the computer-generated animation, wherein the first segment comprises a plurality of previously rendered frames of animation that were rendered using a first set of geometry data,
 - wherein the image representing the first segment of the computer-generated animation is displayed in the first partition,

wherein a second partition of the plurality of partitions is displayed in the first portion,

wherein the second partition includes an image representing a second segment of the computer-generated animation, wherein the second segment comprises a plurality of previously rendered frames of animation that were rendered using a second set of geometry data,

wherein the image representing the second segment of the computer-generated animation is displayed in the second partition and the second segment of the computer-generated animation is different than the first segment of the computer-generated animation, and

wherein the second partition is displayed adjacent the first partition;

receiving a user selection of the first partition of the plurality of partitions;

in response to receiving the user selection of the first partition, accessing the first set of geometry data associated with the first segment of the computer-generated animation corresponding to the selected first partition; and

after accessing the first set of geometry data, causing a display of a first geometric representation of the first segment in a second portion of the interface, wherein the second portion of the interface is displayed concurrently with the first portion of the interface and wherein the first geometric representation corresponds to the first set of geometry data.

THE PENDING REJECTIONS

Claims 1–10, 12–22, 24–34, 36–40, 44–47, and 51–54 stand rejected under 35 U.S.C. § 103 as obvious in view of Ubillos (US 2008/0152297 A1; June 26, 2008), Girard (US 5,731,821; Mar. 24, 1998), and Andalman (US 5,936,639; Aug. 10, 1999). Non-Final Act. 2–21.

Claims 11, 23, and 35 stand rejected under 35 U.S.C. § 103 as obvious in view of Ubillos, Girard, Andalman, and Moehrle (US 2011/0137753 A1; June 9, 2011). Non-Final Act. 21–22.

Claims 41–43, 48–50, and 55–57 stand rejected under 35 U.S.C. § 103 as obvious in view of Ubillos, Girard, Andalman, and Wall (US 2013/0262564 A1; Oct. 3, 2013). Non-Final Act. 22–25.

ANALYSIS

THE OBVIOUSNESS REJECTION OF CLAIMS 1–10, 12–22, 24–34, 36–40, 44–47, AND 51–54 IN VIEW OF UBILLOS, GIRARD, AND ANDALMAN

Appellant argues the rejection of claims 1–10, 12–22, 24–34, 36–40, 44–47, and 51–54 as obvious under 35 U.S.C. § 103 in view of Ubillos, Girard, and Andalman as a group. *See* Appeal Br. 15–22. Accordingly, we select independent claim 1 as representative of these claims. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Appellant argues that the combination of Ubillos, Girard, and Andalman fails to teach or suggest (1) “the first partition includes an image representing a first segment of the computer-generated animation, wherein the first segment comprises a plurality of previously rendered frames of animation that were rendered using a first set of geometry data” (the “first partition content limitation”) and (2) “in response to receiving the user selection of the first partition, . . . causing a display of a first geometric representation of the first segment in a second portion of the interface, wherein the second portion of the interface is displayed concurrently with the first portion of the interface” (the “causing a display step”), as recited in representative claim 1 (together, the “disputed limitations”). Appeal Br. 17–19. Appellant also argues the Examiner has provided insufficient rationale for combining Ubillos and Girard. Appeal Br. 20–21.

The following Examiner findings and conclusions are particularly relevant to the issues Appellant raises. The Examiner finds Ubillos discloses

the majority of the subject matter recited in representative claim 1. *See* Non-Final Act. 3–4.² Examiner finds that, although Ubillos discloses providing the particular GUI layout as recited in claim 1, Ubillos does not disclose that the content of the video segments is a computer-generated animation. Non-Final Act. 4. Instead, the Examiner finds Ubillos discloses multiple frames of rendered video content (e.g., video from a recording device) in the video segments. *See* Non-Final Act. 3 (citing Ubillos ¶ 36); Ans. 7–8. Therefore, the Examiner finds Girard discloses systems and methods, including a GUI, for editing computer-generated animations that may be rendered using geometry data. Non-Final Act. 5 (citing Girard 1:41–44, 17:9–19); Ans. 8. The Examiner concludes it would have been obvious to use Ubillos’s GUI to display and edit computer-generated animations, such as those described in Girard, to allow “for rapid feedback during the initial design process” of computer-generated animations. The Examiner concludes this combination would have been obvious because substituting or adding Girard’s teaching of editing computer-generated animations to Ubillos’s system and GUI, which provides a good video creation system, would have improved Ubillos’s system by adding more functionality—a predictable result. Non-Final Act. 5; Ans. 10.

Ubillos relates to video editing systems and methods, including an exemplary GUI that comprises a pane for displaying thumbnails representing

² When referring to the Examiner’s rejection of representative claim 1, we refer to the Examiner’s explanation regarding independent claim 25 because, as the Examiner notes, “Claim 1 recites the functions of the apparatus recited in claim 25 as method steps,” so “the mapping of the prior art to the corresponding functions of the apparatus in claim 25 applies to the method steps of claim 1.” Non-Final Act. 13.

multiple video segments, a preview pane, and a pane for editing a selected video or videos. Ubillos ¶ 5; *see id.* ¶¶ 6, 31–36, 48, Figs. 1–2B, 5–6, Abstract. More specifically, Ubillos discloses uploading video clips into the GUI, and displaying the uploaded video clips in the media pane “regardless of the type of the video clip.” Ubillos ¶ 31. “The project pane 110 includes one or more segments from one or more of the video clips displayed in the media pane 105 that can be selected by the user for editing” and a project is automatically created and the “saved project can be re-opened for further editing.” Ubillos ¶ 32. Ubillos stores the video in each clip “as a sequence of frames,” and by using the preview pane, a “user can preview the effect of editing the video content in the preview pane.” Ubillos ¶ 33. Each video clip in the media pane is represented by a thumbnail, creating rows of rectangular thumbnails representing the plurality of video clips and “a system defined distance separating each thumbnail to distinguish between the video clips.” Ubillos ¶ 36. Girard relates to a GUI and a particular method for editing a geometric representation (i.e., wireframe) of a computer generated animation to animate a character based on placing footprints on a surface. Girard, Abstract; *accord* Appeal Br. 17 (“At best, Girard teaches using geometric data to illustrate a single wireframe model.”), 21 (“Girard appears to teach geometric data and different frames.”); Reply Br. 8 (“Girard, at best, discloses transitioning from geometry data to partial animation.”).

Given Ubillos’s and Girard’s teachings and for the reasons explained below, we agree with and adopt the Examiner’s findings with respect to Ubillos. Specifically, as discussed above, Ubillos teaches or suggests displaying a GUI having multiple partitions representing a plurality of

segments of video (i.e., the regions in which the distinct thumbnails are displayed) that are displayed in a first portion (i.e., the media pane) of the GUI. Ubillos also teaches or suggests that each partition includes an image (i.e., the thumbnail) representing the respective segment of video that comprises multiple frames of rendered video (i.e., the saved projects of edited and rendered video). *See, e.g.*, Ubillos ¶ 31. Thus, we agree with the Examiner that the disputed subject matter recited in representative claim 1 differs from the subject matter taught by Ubillos only in that the *content of the rendered video* is a computer-generated animation rather than the video clips disclosed in Ubillos (i.e., recorded video and previously saved edited and rendered video clips using Ubillos’s editing tool, *see* Ubillos ¶ 32). Notably, the fact that “the first segment comprises a plurality of previously rendered frames of animation” narrows representative claim 1’s scope only with respect to the *type of already generated content* displayed within particular regions of the interface.

We also agree with and adopt the Examiner’s findings with respect to Girard. In particular, Girard teaches or suggests a GUI for editing a computer-generated animation and displaying a geographic representation of a particular segment of such a computer-generated animation. *See* Girard 17:9–19; *accord* Appeal Br. 17, 21; Reply Br. 8.

With respect to Ubillos, Appellant asserts Ubillos does not teach or suggest the first partition content limitation and, more specifically, the portion of the limitation reciting that the first segment comprises previously rendered animation frames, because Ubillos is not related to frames of animation rendered using a set of geometry data. Appeal Br. 17. As the Examiner notes, the rejection is not based on a finding that Ubillos teaches

this portion of the first partition content limitation. Ans. 7; Non-Final Act. 3–5.

Appellant also argues Girard fails to teach or suggest the disputed limitations. Appeal Br. 17–19; Reply Br. 4–8. More specifically, Appellant contends “Girard teaches using geometric data to illustrate a single wireframe model” but fails to teach displaying segments that comprise a plurality of previously rendered animation frames using a first set of geometry data. Appeal Br. 17–19. This argument also fails to address the Examiner’s rejection, which finds that Ubillos teaches segments that comprise a plurality of rendered frames using a first set of data. *See* Non-Final Act. 3 (citing Ubillos ¶ 36). Again, as discussed above, the Examiner finds Ubillos fails to teach the particular content—i.e., that the rendered frames of video are frames of a computer generated animation rendered using a set of geometry data. *See* Non-Final Act. 4. The Examiner relies on the *combination* of Ubillos’s video segments and Girard’s editing of computer generated animations that are ultimately rendered using geometry data to teach or suggest the entirety of the first partition content limitation. *See* Non-Final Act. 3–5.

Appellant’s arguments regarding Ubillos’s and Girard’s individual teachings are not persuasive because they are not responsive to the rejection as articulated by the Examiner. Non-obviousness cannot be established by attacking references individually where, as here, the ground of unpatentability is based upon the teachings of a combination of references. *In re Keller*, 642 F.2d 413, 426 (CCPA 1981). Rather, the test for obviousness is whether the combination of references, taken as a whole, would have suggested the patentee’s invention to a person having ordinary

skill in the art. *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Appellant’s argument that Ubillos, Girard, and Andalman fail to teach or suggest the disputed limitations is unpersuasive of error because the arguments fail to consider or address the proposed *combined teachings*.

Appellant also argues there is no reason a person of ordinary skill in the art would have combined Ubillos and Girard and has not supported the conclusion of obviousness with an articulated reason with a rational underpinning. Appeal Br. 20–21; Reply Br. 9. Appellant further contends the Examiner has failed to explain how the proposed combination would work and that the proposed combination would make Ubillos’s system unnecessarily complex. Appeal Br. 20; Reply Br. 6, 9–10.

A determination of obviousness does not require the claimed invention to be expressly suggested by any one or all of the references. *See e.g., Keller*, 642 F.2d at 425. Any motivation, “whether articulated in the references themselves or supported by evidence of the knowledge of a skilled artisan, is sufficient.” *Outdry Techs. Corp. v. Geox S.p.A.*, 859 F.3d 1364, 1370–71 (Fed Cir. 2017).

Given the differences between the claimed subject matter and the scope and content of the prior art, *see Graham v. John Deere Co.*, 383 U.S. 1 (1966), we agree with the Examiner that the proposed combination would have been obvious to a person of ordinary skill in the art—i.e., a person designing an interface for editing computer-generated animation. In particular, we agree with the Examiner’s conclusion, *see* Ans. 10; Non-Final Act. 5, that modifying Ubillos’s GUI to include Girard’s ability to edit a computer-generated animation simply involves substituting (or adding) Girard’s video content and editing tools into Ubillos’s GUI to yield the

predictable result of expanding Ubillos’s ability to edit other types of video content—i.e., computer-generated animations. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007) (“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”); *id.* at 418 (“a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ”).

Although the Examiner’s statement that “[i]t’s never an issue to improve a good system for video creation” is not artfully articulated, the Examiner’s findings regarding the individual teachings and the finding that “Girard introduces animation editing” to “Ubillos[’s] disclose[d] system for video editing” sufficiently conveys the Examiner’s basis for concluding that the claimed subject matter would have been obvious. *See* Ans. 10. As noted above, the Examiner’s reliance on Girard merely to include a different type of content in a video animation interface does not require a significant departure from Ubillos’s system standing alone. Accordingly, given the limited differences between Ubillos’s interface and the recited subject matter, this simple substitution amounts to a predictable variation to a person of ordinary skill in the art designing such interfaces. *See KSR*, 550 U.S. at 417 (“If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability.”).

Therefore, on this record, we agree with the Examiner that the proposed combination teaches or suggests the disputed limitations recited in representative claim 1 and, therefore, we sustain the rejection of representative claim 1 as obvious in view of Ubillos, Girard, and Andalman. We also sustain the rejection of claims 2–10, 12–22, 24–34, 36–40, 44–47,

51–54, which Appellant did not argue separately with particularity, for the same reasons.

THE REMAINING OBVIOUSNESS REJECTIONS

With respect to the rejections of dependent claims 11, 23, 35, 41–43, 48–50, and 55–57, Appellant argues only that Moehrle and Wall fail to remedy the deficiencies identified with respect to representative claim 1 and, therefore, these claims are allowable for the same reasons as the independent claims from which they depend. *See* Appeal Br. 22–24. As discussed above, we disagree with Appellant’s assertions that Ubillos, Girard, and Andalman fail to teach or suggest the subject matter recited in representative claim 1. Therefore, for the same reasons discussed above, we also sustain the rejection of claims 11, 23, 35, 41–43, 48–50, and 55–57 as obvious in view of Ubillos, Girard, Andalman, and either Moehrle or Wall.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1-10, 12-22, 24-34, 36-40, 44-47, 51-54	103	Ubillos, Girard, Andalman	1-10, 12-22, 24-34, 36-40, 44-47, 51-54	
11, 23, 35	103	Ubillos, Girard, Andalman, Moehrle	11, 23, 35	
41-43, 48-50, 55-57	103	Ubillos, Girard, Andalman, Wall	41-43, 48-50, 55-57	
Overall Outcome			1-57	

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