

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WATARU ITO

Appeal No. 96-3646
Application 08/136,254¹

ON BRIEF

Before KRASS, CARMICHAEL and RUGGIERO, Administrative Patent Judges.

CARMICHAEL, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of Claims 1-26, which constitute all the claims remaining in the application.

Claim 1 reads as follows:

¹ Application for patent filed October 15, 1993.

1. A method for compressing an image signal representing a radiation image, which comprises the steps of:

detecting the image signal by reading out the radiation image which has been recorded on a recording medium;

generating a conditioned image signal according to one condition of a set of conditions; and

compressing the conditioned image signal into a compressed image signal using a compression process which is chosen depending upon said one condition.

The examiner's Answer cites the following prior art:

Arakawa et al. (Arakawa)	5,028,784	July 2, 1991
Shimura	5,086,489	Feb. 4, 1992

OPINION

Claims 1-12 stand rejected under 35 U.S.C. § 103 as unpatentable over Arakawa. Claims 13, 15-20, and 22-26 stand rejected under 35 U.S.C. § 103 as unpatentable over Shimura. Claims 14 and 21 stand rejected under 35 U.S.C. § 103 as unpatentable over Arakawa and Shimura.

All the claims require a step or means for “generating a conditioned image signal according to one condition of a set of conditions.” The claims also require using a process “which is chosen depending upon said one condition.”

The examiner concedes that the references do not teach a set of conditions or choosing a process depending on the condition. However, the examiner takes “official notice” that other

Appeal No. 96-3646
Application 08/136,254

conditions, besides the one employed in the references, were known in the art. The examiner contends that any compression or interpolation process would be “chosen depending upon said one condition.”

Appellant argues that the claims require a set of conditions, not just one condition.

We agree with appellant. Because the claims call for a process “chosen depending upon said one condition” of a set of conditions, a reference which suggests a system using only one condition does not suggest the claimed subject matter.

CONCLUSION

The rejection of Claims 1-26 is not sustained.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
)	APPEALS AND
JAMES T. CARMICHAEL)	INTERFERENCES
Administrative Patent Judge)	
)	
)	
)	
JOSEPH F. RUGGIERO)	
Administrative Patent Judge)	

JTC/dal

Appeal No. 96-3646
Application 08/136,254

SUGHRUE, MION, ZINN,
MACPEAK & SEAS
2100 PENNSYLVANIA AVE., N.W.
WASHINGTON, DC 20037