

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SATOSHI KUNIMITSU, NORIYUKI KAWADA, HIROFUMI
YOSHIKAWA, TAKASHI OKAI, ITSUO MURATA and KOJI HORIMOTO

Appeal No. 1997-2311
Application No. 07/978,957

HEARD: February 10, 2000

Before HAIRSTON, RUGGIERO, and HECKER, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 3.

The disclosed invention relates to a position data acquisition apparatus for providing position data with respect to an object.

Appeal No. 1997-2311
Application No. 07/978,957

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A position data acquisition apparatus for providing position data with respect to an object, said apparatus comprising:

a TV camera;

a laser light source;

a difference circuit for calculating a difference signal between a first image data taken with said TV camera while said laser light source is off and a second image data taken with said TV camera while said laser light source is on;

a binarization circuit for binarizing an image data signal from said difference circuit by comparing said image data signal with a threshold value; and

an integrating circuit for integrating outputs of said binarization circuit for a frame and for producing the position data.

The references relied on by the examiner are:

Seto et al. (Seto)	4,912,770	Mar. 27, 1990
Kunimitsu et al. (Kunimitsu)	03-162395	July 12, 1991
(Japanese patent application)		

Claims 1 through 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kunimitsu in view of Seto.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

The obviousness rejection of claims 1 through 3 is reversed.

Although Kunimitsu is silent concerning an integration circuit, the appellants indicate (Brief, page 4) that an integration circuit is "accomplished by image storage 9" which provides an output to the binarization circuit 8 (Figure 1). Thus, Kunimitsu has "integration in circuit 9 prior to binarization in circuit 8" (Brief, page 4).

According to the examiner, "Seto et al discloses a method of detecting change using image as shown in Figure 2 and teaches the use of a binarization circuit (4 of Figure 2) for binarizing difference data (3 of Figure 2) before integration, i.e. detection process for arbitrary shape (5 of Figure 2)" (Answer, page 6). The examiner concludes (Answer, page 6) that it would have been obvious to apply the teachings of Seto to Kunimitsu to improve the signal to noise ratio of the image in Kunimitsu.

Appellants argue (Reply Brief, page 3) that "there is no support for the conclusion that Seto teaches binarization before integration since there is no Seto teaching related to

Appeal No. 1997-2311
Application No. 07/978,957

integration." We agree. Seto is completely silent concerning integration in block 5 of the binarization output from block 4. In summary, the obviousness rejection of record can not stand on the examiner's unfounded assumptions concerning the teachings of Seto.

DECISION

The decision of the examiner rejecting claims 1 through 3 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
STUART N. HECKER)	
Administrative Patent Judge)	

Appeal No. 1997-2311
Application No. 07/978,957

lp

Appeal No. 1997-2311
Application No. 07/978,957

NIXON & VANDERHYE
2200 CLARENDON BOULEVARD,
14th FLOOR
ARLINGTON, VA 22201

Leticia

Appeal No. 1997-2311
Application No. 07/978,957

APJ HAIRSTON

APJ HECKER

APJ RUGGIERO

DECISION: REVERSED
Send Reference(s): Yes No
or Translation (s)
Panel Change: Yes No
Index Sheet-2901 Rejection(s):
Prepared: December 6, 2000

Draft Final

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OB/HD GAU

PALM /ACTS 2/BOOK
DISK(FOIA)/REPORT