

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KWANG H. LEE

Appeal No. 1997-3853
Application No. 08/196,658

ON BRIEF¹

Before THOMAS, KRASS, and GROSS, Administrative Patent Judges.
GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 3, which are all of the claims pending in this application.

Appellant's invention relates to a phase control apparatus for a video cassette recorder which includes an

¹ We note the Request for Oral Hearing filed July 17, 1997. However, as we have already reviewed the case and decided to reverse, we consider the request moot.

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amplification gain control circuit. Claim 1 is illustrative
of the claimed invention, and it reads as follows:

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1. A phase control apparatus for a video cassette recorder, comprising:

a control head for reproducing a control signal recorded on a control track under a video track of a tape;

control signal amplification means for amplifying the control signal reproduced by said control head at a varied amplification gain;

control signal wave-shaping means for wave-shaping an output signal from said control signal amplification means and stabilizing a wave-shaped output signal;

amplification gain control means for controlling the amplification gain of said control signal amplification means in response to a counted number of pulses of an output signal from said control signal wave-shaping means over a predetermined time period;

phase control means for detecting a phase error and a rotation speed of a capstan motor in response to the wave-shaped output signal from said control signal wave-shaping means and an output frequency from the capstan motor and outputting phase and speed detect signals in accordance with detected results; and

capstan motor driving means for driving the capstan motor in response to the phase and speed detect signals from said phase control means to correct the phase error of the capstan motor.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Quintus et al. (Quintus) 15, 1992	5,172,280	Dec.
Han 1993	5,274,514	Dec. 28,

(filed Mar. 24, 1992)

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

Reference is made to the Examiner's Answer (Paper No. 15, mailed May 13, 1997) for the examiner's complete reasoning in support of the rejections, and to appellant's Appeal Brief (Paper No. 14, filed March 17, 1997) for appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 3.

Appellant argues (Brief, page 5) that because Han discloses replacing a damaged control signal with a separately synthesized pulse, Han provides no motivation to the skilled artisan to improve the degraded control signal. The examiner, on the other hand, asserts (Final Rejection, pages 3-4, and Answer, page 6) that Han only makes a substitution when the damage to the control signal is significant, and that it would have been obvious to use amplification gain control means when

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the damage to the signal is small. We disagree. Han states (column 4, lines 40-68) that when the counted value of input pulses is less than a set threshold value, the pseudo control signal is substituted. Although Han discloses that the threshold may be set slightly lower than normal, Han explains that the reason it may be lower than normal is because "damage to two or three control pulses does not substantially affect picture quality" (column 4, lines 52-53). Therefore, even if one were to interpret Han as allowing the original control signal to be used when damaged, the skilled artisan would find no need to compensate such a signal, since a damaged signal is used only when the amount of damage does not affect the quality of the picture.

Furthermore, the examiner contends (Answer, page 4) that "Quintus provides sufficient motivation for using his gain control and amplification means of the range selection circuit and post-amplifier for the same purpose as in the instant invention: amplification for compensation for a weakened signal." We do not find in the references any motivation for combining Quintus with Han, and we are not persuaded by the rationale provided by the examiner. Quintus does not involve

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damage to a control signal, and we see no reason why or how the skilled artisan would take the variable gain amplification of Quintus and apply it as claimed to a damaged control signal, absent appellant's own disclosure. Accordingly, the examiner has failed to provide a prima facie case of obviousness, and we cannot sustain the rejection of claims 1 through 3.

CONCLUSION

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

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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