

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT PAFF

Appeal No. 1998-0872
Application No. 08/438,479

ON BRIEF

Before JERRY SMITH, BARRY, and LEVY, Administrative Patent Judges.
LEVY, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 98-100, 102-107 and 109-130, which are all of the claims pending in this application.

BACKGROUND

Appellant's invention relates to a graphical workstation for an integrated security system. An understanding of the invention can be derived from a reading of exemplary claim 98, which is reproduced as follows:

98. A graphical work station for an integrated security system for controlling a plurality of security devices in a protected premises including a plurality of output devices and a plurality of video surveillance cameras, comprising a control unit communicating with a display unit having one or more monitors and an input device operable by an operator,

(a) said control unit having storage means for storing a graphical image representing selected portions of the layout of said protected premises, including first icons representative of said output devices and second icons representative of said video surveillance cameras, each first icon representative of an output device being located on said graphical image in the same relative location as that output device is located in said protected premises and each second icon representative of a video surveillance camera being located on said graphical image in the same relative location as that video surveillance camera is located in said protected premises,

(b) said control unit having means to display on said display unit said stored graphical image with said each first icon and said each second icon displayed in its respective location,

(c) said input device having means controllable by said operator for selecting a given second icon on said graphical image representative of a given one of said plurality of video surveillance cameras to activate said given one of said plurality of video surveillance cameras,

(d) said control unit having means responsive to the operation of said input device by said operator to select said given second icon on said graphical image representative of said given one of said plurality of video surveillance cameras, for displaying on said display unit a live video image from said given one of said plurality of video surveillance cameras,

(e) said input device having means controllable by said operator for selecting a given first icon on said graphical image representative of a given one of said plurality of output devices to control said given one of said plurality of output devices, and

(f) said control unit also having means for activating or deactivating an output device to control a given security function of said output device from said graphical image.

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

Clever	4,237,483	Dec. 2, 1980
Williams	4,581,634	Apr. 8, 1986

Smart, J. C., "Proceedings 1987 Carnahan Conference on Security Technology: Electronic Crime Countermeasures" (July 15-17, 1987), pages 1-5.

Claims 98-100, 102-107, 109-121, 123-127, 129, and 130 stand rejected under 35 U.S.C. § 103 as being unpatentable over Smart in view of Williams.

Claims 122 and 128 stand rejected under 35 U.S.C. § 103 as being unpatentable over Smart in view of Williams, and further in view of Clever.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellant regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 28, mailed February 20, 1997) for the examiner's complete reasoning in support of the rejections, and to appellant's brief (Paper No. 27, filed January 8, 1997) and reply brief (Paper No. 29, filed

March 18, 1997) for appellant's arguments thereagainst. Only those arguments actually made by appellant have been considered in this decision. Arguments which appellant could have made but chose not to make in the briefs have not been considered. See 37 CFR 1.192(a).

OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the rejections advanced by the examiner, and the evidence of obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellant's arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

Upon consideration of the record before us, we affirm-in-part.

Appellant lists 13 groupings of claims (brief, page 8). We observe that claims 104, 110, and 120 do not appear in any of the groupings. Nor have any of these claims been separately argued. Accordingly, we will consider these claims to rise or fall with the claims from which they depend. Accordingly, Claim 104 will rise or fall with independent claim 102, from which claim 104

depends (Group III). Claim 110 will rise or fall with independent claim 109, from which claim 110 depends (Group VI). Claim 120 will rise or fall with independent claim 116, from which 120 depends (Group X).

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the examiner are an essential part of complying with the

burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). If that burden is met, the burden then shifts to the applicant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole. See id.; In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976).

We turn first to claims 98, 121-125 and 128 (Group I). Claims 98, 121, 123-125 stand rejected under 35 U.S.C. § 103 as unpatentable over Smart in view of Williams. The examiner adds Clever for claims 122 and 128¹. We refer to the answer (pages 4-7) for the examiner's findings with respect to the teachings of Smart. The examiner's position (answer, page 8) is that Smart does not disclose control means for activating or deactivating an output device (e.g. clock or door) by the operator to control a security function of the output device from the graphical image. To overcome this deficiency in Smart, the examiner states (id.) that the "concept of activating or deactivating an output device

¹ Appellant has not separately argued the Clever reference, and has indicated (brief, page 8) that these claims rise or fall with claim 98.

such as automatically locking or unlocking a door operated by security personnel for people entering a surveillance environment/building is well recognized in the art." The examiner turns to Williams for a teaching of locking and unlocking a door operated by a security guard. The examiner asserts (id., page 8) that from the teachings of Smart, Williams, and the general knowledge of camera surveillance systems, that it would have been obvious to have the security personnel (operator) lock or unlock doors in the security system of Smart as taught by Williams, for the well known reason of operator control in a surveillance environment.

Appellant points out (brief, page 9) that as set forth in paragraphs (e) and (f) of claim 98, selection of a first icon on the graphical image controls the output device from the graphical image. Appellant asserts (brief, page 10) that the examiner is in error in combining the "general concept" of locking/unlocking a door of Williams because Williams is not directed to a graphical workstation and does not have graphical images of the protected premises. Appellant further argues that Williams does not teach the use of icons on graphical images representative of security devices such as a door, and that Williams uses a video image to determine whether the operator should unlock a door. If

the operator decides to unlock the door, a separate button or switch is activated. Appellant additionally argues (id., pages 10 and 11) that even if combined, the combination of Smart and Williams, at most, teaches that the operator of smart would have separate panels of switches to open or lock doors, with lists that the operator must look up in order to determine which switch operates which door. Appellant further asserts (id., page 11) that the examiner is engaging in hindsight, using appellant's invention as a template.

We find that Smart (page 1) is directed to a security console system that utilizes a workstation which is closely integrated with a map display system. The system allows operators to readily pan and zoom into any of the buildings and surrounding area. Access to alarm sensor information, entry-control device status, and the closed circuit television system is obtained by zooming into an area and selecting the appropriate icons or symbols on the maps. Databases are closely integrated into the system, providing access to information such as telephone numbers and building and room occupants. Smart further discloses (page 2) that workstations provide operator access to all security functions, including area-access control monitoring, television surveillance and assessment, and general

security operations support. The center screen of the workstation is used to display maps, annunciate alarms, and control and monitor equipment. Alarms and access-control problems are reported to each workstation. Connected to the workstation is a high-resolution graphics processor that displays maps, incidents and control menus. The control menus are overlaid on the map (page 1). Operator input is generally performed using a mouse, since the keyboard is used mainly to enter incident comments and to annotate reports (pages 2 and 3). As shown in figure 1, to the right of the center screen are six monitors for video assessment and surveillance. Smart further discloses (page 3) that an operator may display any of several hundred camera images on any of the monitors by selecting the appropriate camera icon on the graphics display. Any camera may be continuously recorded using a VCR. A video-disk recorder is available for snapshots or freeze-frames. A map is continuously displayed on the center screen. The operator may freely zoom into or selected portions of the map using the mouse buttons. At a particular zoom level, the operator can pan in any of four directions. Objects (alarmed doors and windows, detectors, cameras, etc.) are shown on the map as icons or symbols denoting their actual positions in the real world. The icons or symbols

are displayed in color, such as green for satisfactory, red for emergency, etc. To obtain more information about an object, the operator may use the mouse to select the object. A control menu is displayed in a window overlapping the map, but map manipulation may be continued with the menu showing. Selecting a room or building label on the map causes relevant information, such as occupants, to be displayed. As shown in figure 4, leader lines and incident summaries are displayed on the map.

Considering these teachings of Smart with William's disclosure of verifying the identity of an individual before unlocking a door to allow entry into a secured area, we find that an artisan would have been taught to allow the operator of Smart to control an output device, such as lock/unlock a door to allow an individual to enter an area. Because the system of Smart provides the operator with information regarding the occupants of an area and the operator is provided with access to all security functions, including area access control functions, we agree with the examiner (answer, page 8) that providing the operator of the security system of Smart with the ability to lock/unlock doors would have been obvious and would provide control of the security environment. As to how the door lock/unlock feature of Williams would be implemented in Smart, we disagree with appellant (brief,

pages 10 and 11) that the combined teachings of Smart and Williams would result in separate panels of switches to lock/unlock doors, with lists that the operator must look up to determine which switch operates which door. We find that Smart discloses that the map is continuously displayed (page 3); objects such as doors and windows are shown on the map as icons or symbols denoting their actual positions in the real world (page 3); to obtain more information about an object on the map, the operator selects the particular icon on the map with the mouse (id.). In addition, the mouse is used to zoom in/out of selected portions of the map, and the operator may display camera images by selecting the appropriate camera icon from the graphics display (page 3, col. 1).

From these teachings of Smart we find that an artisan would have been taught to lock/unlock a door by using the mouse from the graphics display. In addition, we find no suggestion that an artisan would have separate panels of switches to open or unlock doors, with lists that the operator must look up to determine which switch operates which door, as advanced by appellant. Since Smart teaches the icons representing objects such as doors "are shown on the map as icons ... denoting their actual position in the real world" (page 3, col. 2) there would be no reason to

keep separate lists of door switches when the icon for the specific door is already on the graphic display (map). From all of the above, we find that the examiner's proposed modification of Smart in view of the teachings of Williams results in the claimed subject matter, and that the examiner has not used appellant's invention as a template, as advanced by appellant. Accordingly, the rejection of claim 98 under 35 U.S.C. § 103 is affirmed. As claims 121-125 and 128 stand or fall with claim 98, the rejection of claims 121-125 and 128 is affirmed.

Before we turn to Group II, claims 99 and 100, we note appellant's statement (brief, page 9) that all of the other claims contain all limitations contained in claim 98. We find that notwithstanding appellant's statement, of the ten independent claims before us on appeal, only independent claims 98 and 105 contain the language (paragraph (f)) of control means for activating or deactivating an output device to control a given security function of said output device "from said graphic image." The other eight independent claims do not contain the language "from said graphic image" and therefore do not contain all of the limitations found in claim 98.

We turn next to claims 99 and 100 (Group II). The examiner's position (answer, page 14) is that Smart teaches pan,

tilt, and zoom controls and that the operator can zoom into portions of the map.

Appellant asserts (brief, page 12) that neither Smart nor Williams shows the feature of controlling the camera pan, tilt, and zoom functions directly from the graphical image. Appellant further asserts (reply brief, pages 3 and 4) that merely because smart suggests the presence of pan, tilt, and zoom controls does not suggest that these functions are controlled from the graphical image.

From our review of Smart, we find that Smart does not teach controlling the pan, tilt, and zoom functions from the graphical image. We find that Smart discloses (page 3) that a map is continuously displayed on the main (center) control screen; that objects such as cameras are shown on the map as icons; that an operator may display camera images by selecting the appropriate camera icon on the graphics display (map); that many cameras have pan, tilt, and zoom capabilities; that an operator may freely zoom into or out of selected portions of the map using the map buttons, and that at any zoom level, the operator may pan in any of four directions using scroll-type pan bars, and the disclosed control of operations from the graphical display; that inputs are generally performed using a mouse; that camera images are

displayed by selecting the icon on the graphics display, and that when an alarm occurs, a camera can be automatically turned and focused on the appropriate location. However, the panning and zooming on the map is not the same as the panning, tilting, and zooming of the camera. Figure 3 of Smart, which illustrates a block diagram of a workstation, appears to show that the pan, tilt, and zoom (PTZ) is part of the surveillance and assessment portion of the workstation, which is on the right side of the console, and is not part of the center screen. We therefore find that the examiner has failed to establish a prima facie case of obviousness of claim 99 and claim 100 which depends therefrom. Accordingly, the rejection of claims 99 and 100 under 35 U.S.C. § 103 is reversed.

We turn next to claims 102-104 (Group III). We begin with independent claim 102. Appellant asserts (brief, page 14) that there is no suggestion in Smart to display on the monitor both a sub-image palette showing a graphical image of an entire area on a small scale, and adjacent thereto an enlarged graphical image with the first and second icons of a selected portion of the entire area. We agree. We are unpersuaded by the examiner's assertion (answer, page 9) that although these limitations are not particularly disclosed by Smart, that "it is nevertheless

considered obvious that such manipulation of images may certainly be provided by Smart." Even if we considered the center screen to be a sub-palette of a graphical image of an entire area on a small scale as advanced by the examiner, the enlarged image on the adjacent monitors displays the camera view, and does not display an enlarged graphical image with first and/or second icons, as required by claim 102. Moreover, claim 102 calls for the simultaneous display of both graphical images on the same monitor. The examiner has not addressed the question of the obviousness of putting the enlarged camera display from one of the adjacent monitors onto the graphics display (map) monitor. In addition, if the zooming in on an area of the graphics display were considered to be the claimed enlarged area with a graphical image with first and/or second icons of a selected smaller portion of the entire area, the language of claim 102 would still not be met. Claim 102 calls for the enlarged graphical image to be adjacent to the sub-image palette on a monitor. When zooming in on a portion of the map, there is no disclosure in Smart for the enlarged zoomed image to be adjacent to the sub-image palette showing an entire graphical image on a small scale. Viewing figure 4 of Smart, the map appears to display three incident summaries with leader lines. Figure 5 of Smart shows three

active incidents prioritized and summarized in the screen at the top right. Selecting the incident on the graphic display (map) with the mouse enables automatic pan and zoom to the correct location as shown in figure 5 (pages 3 and 4). Viewing the incident in figure 5 does not disclose the map to be simultaneously displayed and adjacent to the enlarged graphical image on the same monitor, but rather, the zoomed area is shown instead of the map. From this disclosure of Smart, we find no teaching of the enlarged graphical representation being adjacent to a sub-image palette showing a display of an entire area. The examiner has not addressed the question of obviousness of placing the images adjacent to one another on the same monitor. In sum, we find that the examiner has failed to establish a prima facie case of obviousness of the invention set forth in claim 102 and claims 103 and 104 which depend therefrom. Accordingly, the rejection of claims 102-104 under 35 U.S.C. § 103 is reversed.

We turn next to the rejection of claim 105 (Group IV). Appellant asserts (brief, page 15) that claim 105 requires the first icon, when activated on the graphical image, is changed to pictorially represent the actual open or closed condition of the output device, based on the change in status of the output device. Appellant argues (id., and reply brief, page 4) that in

Smart, although the color of the icon will change, there is no change in the pictorial representation, and that Smart merely shows an alarm condition when it occurs, which does not tell the operator whether the door is open or closed at any particular time.

The examiner's position (answer, page 16) is that Smart discloses that the objects are being shown in their actual position in the real world, and that "it is considered obvious that the color indication of the objects and the object positions have some sort of correlation and for that matter there is a pictorial representation of the objects in any color coded condition."

We find that Smart discloses (page 3) that objects such as doors "are shown on the map as icons or symbols denoting their actual positions in the real world." We find that the disclosure that icons denote the "actual positions" of objects in the real world suggests that the icons can represent the objects actual position i.e., open/closed, and not just the location of a door in a building. Because Smart uses the phrase "actual position" instead of perhaps "actual location" the language used would have suggested to an artisan the actual open/closed position of an output device such as a door or window. In

addition, Smart discloses that the color of the icon indicates the severity of the object, such as green for satisfactory, red for emergency, blue for offline, etc. From Smart's reference to the use of color such as red for emergency and green for satisfactory, we find that Smart additionally teaches that the use of color of an icon can also represent the actual open or closed condition of an object such as a door opened as a breach of the security of a building monitored by the system. We agree with appellant that coloring icons does not represent a pictorial representation. We consider a pictorial representation to be an actual image and not a color. In addition, in view of Smart's use of color as a representation of open/closed position of an object such as a door, we consider representations of color to illustrate the actual open/closed position of a door to be equally illustrative as a pictorial representation, and consider it to have been obvious to an artisan that a pictorial representation of an icon be utilized, in view of the teachings of Smart. We agree with the examiner (answer, page 16) that there is a correlation between color and pictorial representations. Accordingly, the rejection of claim 105 under 35 U.S.C. § 103 is therefore affirmed.

We turn next to the rejection of claims 106 and 107

(Group V). The examiner's position (answer, page 17) is that the center screen of the workstation of Smart, which displays a map of the surveillance area, may be considered a sub-image control palette. Appellant asserts (brief, page 16 and reply brief, page 5) that a map of a surveillance environment is not a sub-image control palette, and that neither Smart nor Williams shows or suggests using a sub-image control palette on the graphical image to control the functions of a security device.

We find that in Smart, the center screen, in addition to displaying maps, is used to control and monitor equipment. In addition, (page 3) upon selecting an object on the graphical display using the mouse, a control menu is displayed in a window overlapping the map. Smart also discloses that the control menus are overlaid on the map (page 1), and that (page 3) the graphical image (map) can continue to be manipulated even though the control menu is displayed. In contrast to claim 102, claim 106 does not require that the sub-image control palette shows a graphical representation of an entire area on a small scale. As broadly drafted, claim 106 only requires that a palette is superimposed on the graphical image and that the palette controls a sub-image from the display, which is defined in claim 98, from which claim 106 depends, as having one or more monitors. Because

Smart discloses that the window for the control menu is superimposed on the graphical display, we find that the control menu is a control palette superimposed on the graphical image for controlling a sub-image, with a sub-image being a selected area viewed by a selected security device such as a camera. Accordingly, the rejection under 35 U.S.C. § 103 of claim 106, and claim 107 which depends therefrom, is affirmed.

We turn next to the rejection of claims 109 and 110 (Group VI). Appellant asserts (brief, page 17) that the icon graphically indicates the pan and tilt position of the camera and that there is nothing in Smart to suggest this feature. Appellant further asserts (id., and reply brief, page 5) that "[i]n applicant's invention, the icon for the camera has a cone-shaped extension to indicate the pan position of the camera with the length of the extension to indicate the tilt position." We find that claim 109 does not require that the icon graphically represents the pan and tilt of the camera, as advanced by appellant. The claim as drafted only requires that the graphical indicia is "associated" with the icon. In addition, we find that the "cone-shaped" extension is not claimed. However, claim 109 requires that the graphical indicia representing pan and tilt are indicated on the graphical image itself. We find that Smart

teaches (page 3) that icons for cameras are shown on the graphical image (map) denoting their actual positions in the real world, and that cameras have pan and tilt capability. We agree with the examiner (answer, pages 17 and 18) and find that in view of Smart's disclosure of displaying icons on the graphical image to denote their "actual position" in the real world, that even though the pan and tilt of the camera are controlled by the surveillance and assessment portion of the workstation, that it would have been obvious to show the pan or tilt of the camera on the graphical display in order for the operator to know the direction and angle that the camera is pointing. Accordingly, the rejection of independent claim 109, and claim 110 which depends therefrom, is affirmed.

We turn next to the rejection of claims 111-113 (Group VII) under 35 U.S.C. § 103. The examiner's position (answer, page 18) is that an operator can select any target of interest for viewing, and that because Smart discloses automatic panning and tilting to an alarm location and display of the alarm location, that it would have been obvious to provide automatic panning and tilting of a camera to a target selected by the operator.

Appellant asserts (brief, page 18) that the examiner's position is unsupported and that neither Smart nor Williams shows

the feature of having the operator being able to select a target on a graphical image for viewing. From our review of Smart, we agree with the examiner that in Smart (page 1), an operator can select any target for surveillance because the system allows the operator to "readily pan and zoom into any of the Laboratory buildings and surrounding areas." In addition (page 3) when an alarm occurs, the cameras can be readily turned and focused on the appropriate location. Smart further discloses (page 3) that incidents occur as a result of object state changes. Figure 5 shows three active incidents prioritized and summarized on the screen with a leader line from the incident summary box to the appropriate position. Selecting an incident with the mouse draws an incident control menu that enables automatic pan and zoom [on the map] to the correct location (pages 3 and 4). In addition (id.), Smart discloses that "any video (possibly audio) associated with the incident can be automatically switched." We find from this disclosure of Smart, that upon three active incidents occurring, as in figure 5, an automatic zoom and pan to the location on the map, i.e, the target area, with the highest priority will occur. By selection of one of the incidents by the operator, the operator will be selecting one of the three target areas. Upon selection of the incident, any video associated with

the incident can be automatically switched on. From the statements in Smart that any video associated with the incident can be automatically switched and can be automatically turned and focused on the appropriate location, we find that Smart discloses that the video surveillance camera will pan and tilt to the incident (target) location selected by the operator. Accordingly, the rejection of claims 111-113 under 35 U.S.C. § 103 is affirmed.

We turn next to the rejection of claim 114 (Group VIII). Appellant asserts (brief, page 19) that the claim requires that when the operator designates a point within a preselected region of the topographical image, a preselected video camera will automatically aim without necessarily displaying the live video image from that camera. Appellant argues that Smart does not show or suggest the designation of a point within a preselected region on the graphical image to automatically cause a camera to aim at that point.

We affirm the rejection of claim 114 for reasons similar to our affirmance of the rejection of claim 111, supra. We agree with the examiner (answer, page 19) that "it is considered obvious that each of the cameras shown in Figure 4 of Smart has a preselected region of interest to be surveilled," and that it is

considered obvious that an operator can "designate a point within any of the preselected regions so as to surveil a region of interest." We find that when an incident occurs and the map display pans and zooms to the area of the overall map containing the incident of highest priority, the map displays a preselected region of interest as the map displays the area having an incident of highest priority, as shown in figure 5 of Smart. As we stated supra, with respect to claim 111, upon selection of the active incident with the highest priority, the video surveillance camera will turn and focus on the designated point of the incident to display video associated with the incident.

As to the claim language regarding the video image not being necessarily displayed, we find that Smart's disclosure (page 3) that "an operator may display any of the camera images on any of the monitors" would have suggested to an artisan that a monitor can be turned off and images from a camera may not necessarily be displayed. Accordingly, the rejection of claim 114 under 35 U.S.C. § 103 is affirmed.

We turn next to the rejection of claim 115 (Group IX) under 35 U.S.C. § 103. Appellant asserts (brief, pages 19 and 20, and reply brief, page 6) that the claim requires that the live video image and the graphical image be simultaneously displayed on the

same monitor, and that the examiner has misinterpreted the claim as permitting the live image and the graphical display to be on different monitors. The examiner's position is that the claim does not require that the live video image and the graphical image have to be on the same monitor, and that, in any event, Smart teaches display of camera images on the graphics display.

As stated by the court in In re Hiniker Co., 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998) "[t]he name of the game is the claim." We find that the claim recites that "the live video image from said given one of said plurality of video cameras is displayed in a window on said monitor of said display unit simultaneously displaying the graphical image." From the language recited in the claim, we agree with appellant that the examiner has misinterpreted the claim. In addition, we find that Smart (page 3) discloses that:

Each workstation contains six black-and-white television monitors for video assessment and surveillance. The two larger monitors are normally reserved for alarm-related video. An operator may display any of several hundred camera images on any of the monitors by selecting the appropriate camera icon on the graphics display.

From this disclosure of Smart, we find that the language "on any of the monitors" refers to the six video monitors. We find no teaching in Smart of putting the black-and-white live video on

the center monitor that displays the maps and colored icons. The examiner has not addressed the obviousness of this issue. We therefore find that the examiner has failed to establish a prima facie case of obviousness of claim 115. Accordingly, the rejection of claim 115 under 35 U.S.C. § 103 is reversed.

We turn next to the rejection of claims 116-118, and claim 120 (Group X) under 35 U.S.C. § 103. Appellant asserts (brief, page 21) that neither Smart nor Williams show or suggest the superimposition of graphics on the live video image. From our review of Smart, we find no suggestion of this feature in Smart, who does not disclose placing the live video on the same monitor as the monitor having the graphics display. We are not persuaded by the examiner's assertion (answer, page 20) that "it is considered obvious if not inherent that some sort of video and graphics multiplexer is required to carry out the desired functions as claimed." We find no teaching or suggestion in Smart to support the examiner's position. We therefore find that the examiner has failed to establish a prima facie case of obviousness of independent claim 116, and claims 117, 118, and 120 which depend therefrom. Accordingly, the rejection of claims 116-118, and 120 under 35 U.S.C. § 103 is reversed.

We turn next to the rejection of claims 119 and 120 (Group XI) under 35 U.S.C. § 103. We reverse the rejection of these claims based upon their dependency from independent claim 116. Accordingly, the rejection of claims 119 and 120 under 35 U.S.C. § 103 is reversed.

We turn next to the rejection of claims 126 and 127 (Group (XII) under 35 U.S.C. § 103. Appellant asserts (brief, page 22) that Smart does not teach or suggest the use of a sub-image control palette appearing on the monitor from which control of the VCR is accomplished. Appellant further asserts (reply brief, page 7) that Although smart automatically turns on a VCR to record an image, Smart does not suggest displaying an VCR controls on a sub-image control palette on the monitor. The examiner's position (answer, pages 21 and 22) is that Smart's automatic turn-on of the cameras when an alarm occurs and displaying the situation on the monitor "is essentially providing a sub-image control palette on the monitor from which the recording of a live video image on the VCR can be controlled."

We note at the outset that the sub-image control palette can be on any monitor of the display. Smart discloses (page 3) that any camera may be continuously recorded using a VCR, and that camera images can be displayed by selecting the camera icon on

the graphics display. Smart additionally discloses (id.) that to obtain more information about an object such as a camera, the operator uses the mouse to select the object, and a control menu is displayed in a window overlapping the map.

From this disclosure of Smart, we find that the displayed control menu is a sub-image palette that permits the operator to display a camera image. However, there is no disclosure of how the VCR is turned on. Claim 126 requires that the input device has means controllable by the operator to cooperate with the sub-image control palette to record a live image on the VCR. It is not clear from the disclosure of Smart as to how the VCR is turned on by the operator. Smart does not disclose whether the VCR is turned on from the control menu when the camera icon is selected, or whether the VCR is turned on at the surveillance console at the right side of the workstation. We would have to resort to speculation to conclude that the VCR is turned on from the control menu. The examiner has not addressed this issue and accordingly, has failed to establish a prima facie case of obviousness of independent claim 126, and claim 127, which depends therefrom. Accordingly, the rejection of claims 126 and 127 under 35 U.S.C. § 103 is reversed.

We turn next to the rejection of claims 129 and 130

(Group XIII) under 35 U.S.C. § 103. Appellant asserts (brief, page 23) that the time lapse VCR recording of Smart is not the same as pre-programming to display live video images. The examiner's position (answer, page 23) is that Smart discloses that a selected "camera of interest may be pre-programmed to record at a time-lapsed mode." We find that Smart discloses (page 3) that "[v]ideo signals are displayed using a computer-controlled video-switching system." Smart further discloses (id.) six monitors for video assessment and surveillance. From these teachings of Smart, we find that in order to display the video images from selected cameras, the computer controlled video-switching system will inherently display in a sequential fashion the video images from selected ones of the plurality of video surveillance cameras. Accordingly, the rejection of claim 129, and claim 130 which depends therefrom, is affirmed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 98, 105-107, 109-114, 121-125, and 128-130 under 35 U.S.C. § 103 is affirmed. The decision of the examiner to reject claims 99, 100, 102-104, 115-120, 126, and 127 under 35 U.S.C. § 103 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136 (a).

AFFIRMED-IN-PART

JERRY SMITH)	
Administrative Patent Judge)	
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STUART S. LEVY)	
Administrative Patent Judge)	

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