

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 ASAKO YUMOTO, KAORI SUZUKI, ATSUKO TADA
and SATOSHI KASAI

Appeal No. 1998-2569
Application No. 08/517,132

HEARD: January 11, 2001

Before FLEMING, RUGGIERO, and LEVY, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-16, all of the claims pending in the present application.

The claimed invention relates to a computer graphics animation editing system in which motions of an object in a

Appeal No. 1998-2569
Application No. 08/517,132

virtual world are controlled. A status switch data unit, which includes starting and response data blocks, is used for controlling the object motions. On an indication that an updated virtual world condition is equal to a starting data block condition, the motions of the object are controlled based on the response data block.

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

1. A computer graphics animation editing system, comprising:

storage means for storing a status switch data unit including a starting data block and a response data block, the starting data block indicating a condition of a virtual world, the response data block indicating a response which should occur when the condition indicated by the starting data block is satisfied;

calculation means for calculating an updated condition of the virtual world;

checking means for determining whether the updated condition of the virtual world calculated by said calculation means is equal to the condition indicated by the starting data block of the status switch data unit;

start processing means for causing the response indicated by the response data block to start when said checking means determines that the updated condition of the virtual world is equal to the condition indicated by the starting data block of the status switch data unit; and

display means for displaying the virtual world including a result obtained by said start processing means.

Appeal No. 1998-2569
Application No. 08/517,132

The Examiner relies on the following prior art:

Susman 1993	5,261,041	Nov. 09,
Hamada et al. (Hamada) 1997	5,596,695	Jan. 21,

(filed Jul. 13, 1992)

Claims 1-11 stand finally rejected under 35 U.S.C. § 102 as being anticipated by Susman. In a separate rejection, claims

1-16 stand finally rejected under 35 U.S.C. § 103 as being unpatentable over Susman in view of Hamada.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Briefs¹ and Answer for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the Examiner and the

¹ The Appeal Brief was filed February 26, 1998. In response to the Examiner's Answer dated April 9, 1998, a Reply Brief was filed June 9, 1998, which was acknowledged and entered by the Examiner without further comment in the communication dated July 13, 1998.

Appeal No. 1998-2569
Application No. 08/517,132

evidence of anticipation and obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' 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.

It is our view, after consideration of the record before us, that Susman does not fully meet the invention as set forth in claims 1-11. We are also of the view that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the obviousness of the invention as recited in claims 1-16.

Accordingly, we reverse.

We consider first the rejection of claims 1-11 under 35 U.S.C. § 102 as being anticipated by Susman. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388

Appeal No. 1998-2569
Application No. 08/517,132

(Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to independent claims 1 and 6, the Examiner attempts to read the various claim limitations on the disclosure of Susman, in particular pointing to the flow diagram illustrated in Figure 11. In response, Appellants assert (Reply Brief, page 2), that Susman lacks a disclosure of a key feature of each of the appealed independent claims, i.e. the comparison of updated virtual world conditions with initial data from a stored starting data block.

After careful review of the Susman reference in light of the arguments of record, we are in agreement with Appellants' position as stated in the Briefs. As indicated in the flow diagram of Susman's Figure 11, a check is made to determine if an interaction occurs between affect volumes of various objects as they move from an original to a new or updated location. We agree with Appellants' assertion however that, while Susman compares data representative of the updated object locations, there is no comparison of updated conditions

Appeal No. 1998-2569
Application No. 08/517,132

with initial data from a stored starting data block as claimed. We further agree with Appellants that the specific claimed data structure in which starting block data and response block data are stored as part of a status switch data unit is not found in the disclosure of Susman.

In view of the above discussion, it is our opinion that, since all of the claim limitations are not present in the disclosure of Susman, the Examiner's 35 U.S.C. § 102 rejection of independent claims 1 and 6, as well as claims 2-5 and 7-11 dependent thereon, can not be sustained.

Turning to a consideration of the Examiner's 35 U.S.C. § 103 rejection of claims 1-16, all of the pending claims, based on the combination of Susman and Hamada, we do not sustain this rejection as well. In the Examiner's view, the skilled artisan would have found it obvious to "apply Hamada's timing conditions to Susman because of Hamada's taught advantages of scheduling" (Answer, page 4).

Our review of Hamada, however, reveals no disclosure which would overcome the deficiencies of Susman discussed supra, i.e., there is no description of a stored starting block and response block data structure nor any comparison of

Appeal No. 1998-2569
Application No. 08/517,132

updated conditions with initial start data. In our opinion, even assuming arguendo the feasibility of combining the teachings of Susman and Hamada, the resulting combination would fall well short of meeting or suggesting the requirements of the claims on appeal.

In conclusion, we have not sustained either of the Examiner's rejections of the claims on appeal. Accordingly, the Examiner's decision rejecting claims 1-16 is reversed.

REVERSED

MICHAEL R. FLEMING)
Administrative Patent Judge)
)
)
)

Appeal No. 1998-2569
Application No. 08/517,132

)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
STUART S. LEVY)	
Administrative Patent Judge)	

lp

Appeal No. 1998-2569
Application No. 08/517,132

STAAS & HALSEY
700 ELEVENTH STREET NW
SUITE 500
WASHINGTON DC 20001

Leticia

Appeal No. 1998-2569
Application No. 08/517,132

APJ RUGGIERO

APJ LEVY

APJ FLEMING

DECISION: REVERSED
Send Reference(s): Yes No
or Translation (s)
Panel Change: Yes No
Index Sheet-2901 Rejection(s):

Prepared: July 12, 2001

Draft Final

3 MEM. CONF. Y N

OB/HD GAU

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