

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. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** MASAKI OGURO

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Appeal No. 1998-3390  
Application No. 08/480,934

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ON BRIEF

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Before KRASS, LALL, and DIXON, **Administrative Patent Judges**.  
DIXON, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the examiner's final rejection of claims 15-16, 18-19, 21-23 and 25, which are all of the claims pending in this application.

We REVERSE.

## **BACKGROUND**

The appellant's invention relates to a method for recording and reproducing a digital signal. The methodology inserts identification data into a timing area in each track to identify the corresponding data structure to be used for the track and to further insert additional identification data identifying respective data structures to be used in the respective areas throughout the track at these selected areas. The additional data structures are independent of the initial data structure identified in the timing area. An understanding of the invention can be derived from a reading of exemplary claim 15, which is reproduced below.

15. In a method for digitally recording and reproducing information data in successive oblique tracks on a recording tape by means of rotary heads scanning said tracks in succession, the improvement comprising the steps of:

providing a timing area adjacent only an entrance end of each of said tracks at which said heads first come into scanning contact with said tape;

repetitively recording in said timing area of each of said tracks, at respective locations spaced apart in said timing area in a direction of said scanning along the respective track, identification data comprised of at least three bits which stipulate a corresponding data structure for the track including a number of additional areas following said timing area in a direction away from said entrance end of the respective track for the recording by said heads in said additional areas of plural blocks of respective information data and data ancillary thereto; and

repetitively adding, to said ancillary data of said blocks recorded in each of said additional areas, respective additional identification data which have the same data structure as said identification data recorded in said timing

Appeal No. 1998-3390  
Application No. 08/480,934

area and which stipulate a data structure for the information data recorded in the respective additional area independently of said data structure stipulated for said track by said identification data recorded in said timing area and also independently of the data structure stipulated for any other one of said additional areas by said respective additional identification data added to said ancillary data of the blocks recorded in said other additional area, with said additional identification data being recorded in the respective additional areas at respective locations which are spaced apart along the respective additional areas in said direction of the scanning along the track.

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

Staar	4,338,644	July 6, 1982
Wilkinson et al. (Wilkinson)	4,819,089	Apr. 4, 1989

Claims 15, 18, 19, 21, 22 and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wilkinson. Claims 16 and 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wilkinson in view of Staar.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 21, mailed Aug. 19, 1997) for the examiner's reasoning in support of the rejections, and to the appellant's brief (Paper No. 20, filed May 27, 1997) and reply brief (Paper No. 24, filed Dec. 10, 1997) for the appellant's arguments thereagainst.

## OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

Appellant argues that the combination of Wilkinson and the examiner's well known Table of Contents does not render the invention as recited in claims 15 and 21 obvious. (See brief at pages 19-23.) We agree with appellant. The examiner relies on the "table of contents" to teach the indication of a data structure which is admitted to be not taught by Wilkinson. (See answer at pages 3-4.) We disagree with the examiner. In our view, the table of contents is a structure to data, but the inclusion with the data would not provide the claimed

identification data comprised of at least three bits which stipulate a corresponding data structure for the track including a number of additional areas following said timing area in a direction away from said entrance end of the respective track for the recording by said heads in said additional areas

nor would it provide the claimed

respective additional identification data which have the same data structure as said identification data recorded in said timing area and which stipulate a data structure for the information data recorded in the respective additional area independently of said data structure stipulated for said track by said identification data recorded in said timing area and also independently of the data structure stipulated for any other one of said additional areas.

Appeal No. 1998-3390  
Application No. 08/480,934

The examiner rationalizes that the table of contents would provide easy links between related video and audio (ancillary) data sections, thereby improving the audio-video output. We disagree with the examiner's rationale for inclusion of the table of contents into the system of Wilkinson. Since each track is a linear storage area, we do not find a convincing motivation for skilled artisans to desire to enable "rapid location of desired items" (see answer at page 3) as advanced by the examiner.

We agree with appellant that the inclusion of the table of contents may provide the indication of the structure of the remaining data areas from the initial inclusion in timing area, but the additional data structures at those identified areas would not necessarily be "independent" of the other data structures as claimed. (See brief at pages 21-22.) Moreover, in a serial read/write system as taught by Wilkinson, the examiner's motivation for rapid location of desired items is not a convincing line of reasoning for the combination of the two teachings. Therefore, we will not sustain the rejection of claim 15 and its dependent claims 18 and 19. Independent claim 21 contains similar limitations and therefore, the combination of Wilkinson and the Table of Contents does not suggest the invention as claimed, and we will not sustain the rejection of claim 21 and its dependent claims 22 and 25.

Appeal No. 1998-3390  
Application No. 08/480,934

With respect to the combination of Wilkinson and Staar, we find that Staar does not remedy the deficiency noted above. Therefore, we will not sustain the rejection of claims 16 and 23.

**CONCLUSION**

To summarize, the decision of the examiner to reject claims 15-16, 18-19, 21-23 and 25 under 35 U.S.C. § 103 is reversed.

**REVERSED**

ERROL A. KRASS	)	
Administrative Patent Judge	)	
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	)	
	)	
	)	BOARD OF PATENT
PARSHOTAM S. LALL	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
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	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

Appeal No. 1998-3390  
Application No. 08/480,934

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Appeal No. 1998-3390  
Application No. 08/480,934

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