

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN F. CVETKO, YING K. KWONG and JAMES F. SANDAU

Appeal No. 1999-0224
Application No. 08/649,889

ON BRIEF

Before URYNOWICZ, KRASS and RUGGIERO, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-4, all the claims pending in the application.

The invention pertains to a communications system. Claim 1, the only independent claim, is illustrative and reads as follows:

1. An interactive multimedia audio/video communications system comprising:

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Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 102(b) as anticipated by Target Technologies.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Target Technologies in view of Mullett.

The respective positions of the examiner and the appellants with regard to the propriety of these rejections are set forth in the examiner's answer (Paper No. 10) and the appellants' brief (Paper No. 9).

The Rejection under 35 U.S.C. § 102(b)

Claims 1, 2 and 4

After consideration of the positions and arguments presented by both the examiner and the appellants, we have concluded that the rejection should not be sustained.

With respect to sole independent claim 1, we are of the opinion that the examiner has not established that the ISDN Network of Target Technologies is a graphics/command network. An Integrated Services Digital Network (ISDN) is known in the communications art as a digital telephone line which provides users with simultaneous (integrated) voice/data capability. The reference itself is sketchy, and it does not identify the ISDN Network as a graphics/command network. It is not

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described as involving graphics, nor is it disclosed as providing commands to another portion of the system. Furthermore, the examiner has not established that the ISDN Network of the reference is, or includes, a graphics/command network.

Still further, it is not established that the reference teaches means to playback and record audio/video signals. The examiner apparently relies on the teaching of a monitor-mounted camera, speaker and microphone combination to meet the claimed means. However, it has not been shown that the camera and its associated apparatus both records and plays back audio/video signals.

Lastly, there is simply no disclosure that the Multipoint Control Unit of the reference, either by itself or in combination with other structure of the system, is an element which transmits and receives commands, and sets up respective networks, as defined in the last paragraph of claim 1.

The Rejection under 35 U.S.C. § 103(a)

Claim 3

Whereas we will not sustain the rejection of sole independent claim 1, we will not sustain the rejection of dependent claim 3.

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Conclusion

The decision of the examiner rejecting claims 1, 2 and 4 under 35 U.S.C. § 102(b) is reversed.

The decision of the examiner rejecting claim 3 under 35 U.S.C. § 103(a) is reversed.

REVERSED

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JOSEPH F. RUGGIERO)	
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