Appeal decision

Appeal No. 2015-782

Tokyo, Japan
Appellant YUPITERU CORPORATION

The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2013-135801, entitled "VIDEO RECORDING DEVICE FOR VEHICLE" (the application published on December 26, 2013, Japanese Unexamined Patent Application Publication No. 2013-257883) has resulted in the following appeal decision.

Conclusion

The appeal of the case was groundless.

Reason

1 History of the procedures, the Invention

The application is a divisional application from Patent Application filed on June 28, 2013 from Japanese Patent application No. 2009-245793 (hereinafter referred to as "Original application") filed on October 26, 2009, and an examiner's decision of refusal was issued on October 1, 2014 (dispatched on October 20, 2014). An appeal against the examiner's decision of refusal was made on January 15, 2015. The body made a notice of the reasons for refusal on October 26, 2015. A written opinion to the notice of refusal and written amendment were submitted on December 24, 2015. A notice of the reasons for refusal was made as of March 2, 2016. A written opinion and written amendment were submitted on April 26, 2016.

The inventions relating to the claims of the application are specified by the matters described in Claims 1-4 in the scope of claims corrected by the written amendment as of April 26, 2016. The invention relating to Claim 1 (hereinafter referred to as "the Invention") is as follows.

"The video recording device having functions as a drive camera and an in-vehicle security camera,

including an image-recognition function of recognizing a person in a video,

configured to clip and record the person in the video or the person including the surroundings thereof when in operation as the security camera, and configured not to clip and record the person in the video or the person including the surroundings thereof when in operation as the drive camera."

2 Cited Document and matters described therein

Publication No. 2008-186394 (hereinafter referred to as "Cited Document") cited in the reasons for refusal in the notice of reasons for refusal as of March 2, 2016 issued by the body and distributed before the filing of the Original application describes the following matters with Drawings.

(1) "[0001]

This invention relates to a recording device with a drive-recorder function and a car-security function. More specifically, the invention relates to a recording device which is installed in a vehicle, such as an automobile, to record data of the vehicle to be obtained when the vehicle is traveling or parked, together with a video image."

(2) "[0013]

(1) Configuration of the recording device

Referring to FIGS. 1 and 2, one example of general configuration of a recording device 100 relating to the embodiment is described below.

FIG. 1(a) illustrates an external view of an imaging unit 130 including two cameras. FIG. 1(b) illustrates an external view of a body unit 110 which controls the recording device 100 relating to the embodiment, by means of a microcomputer, or the like.

[0014]

As shown in FIG. 1(a), the imaging unit 130 is formed by integrating two cameras A131 and B132. The two cameras 131, 132 can simultaneously capture images in two directions opposite to each other. When mounted on a dashboard, for example, the cameras can capture a forward outside image and an inside image.

The recording device using the two cameras functions as a drive recorder which captures a forward outside image when the vehicle is traveling, and records a video of an accident by detecting a shock or the like, and meanwhile, functions as a security device which detects damage to a windowpane or door opening/closing for monitoring car break-in or car theft when the vehicle is parked, to record forward

outside and inside videos. ... (omitted)"

(3) "[0016]

The body unit 110 shown in FIG. 1(b) is preferably arranged under a seat of a vehicle, such as an automobile.

... (omitted) ...

The integrated imaging unit 130 shown in FIG. 1(a) is designed to be mounted on a dashboard with the cameras A131 and B132 pointed in an advancing direction of the vehicle, such as an automobile, and an inward direction, respectively. ... (omitted)"

(4) [0029]

In drive mode M210, the recording device 100 records images in two modes of "normal recording" and "event recording".

The "normal recording" mode always records forward outside video data captured by the camera A131, and data other than video data, such as acceleration data input from an acceleration sensor 116a and GPS data input from a GPS unit 118. The data overwrites previous data, to be recorded sequentially in a record memory 120.

The "event recording" mode records the GPS data, the acceleration data, and a video captured by the camera A131 which images a forward outside view, upon occurrence of an event to be recorded. In the "event recording" mode, data for a predetermined time (10 seconds, for example) before/after the occurrence of an event, which is a trigger for recording, are recorded on the record memory 120, and the recorded data are not overwritten (the data can be overwritten after being transmitted to a data management server 310; the details are provided later). As video data or the like are always recorded as a normal record, the video before the occurrence of the event can be included in event record.

[0030]

In security mode M220, the recording device 100 performs only "event recording" upon occurrence of an event to be recorded.

In the security mode M220, the "event recording" mode records forward outside video data captured by the camera A131 and inside video data captured by the camera B132, and data other than the video data, such as acceleration data and GPS data, upon occurrence of an event to be recorded. In the "event recording" mode, data for a predetermined time (10 seconds, for example) after the occurrence of an event, which is a trigger for recording, are recorded on the record memory 120, and the recorded data are not overwritten (the data can be overwritten after being transmitted to the data

management server 310; the details are provided later)."

(5) "[0041]
(3-5) Details of operation in drive mode

Referring to a state transition diagram in FIG. 6, details of operation of the recording device 100 in the drive mode M210 are described below.

The drive mode M210 is a mode which operates when a vehicle is recognized to be running. As described in FIG. 5, when an ignition key is turned on, the recording device 100 enters the drive mode M210. In the drive mode M210, normal recording is always performed."

(6) "[0046]
(3-6) Details of operation in security mode

Referring to a state transition diagram in FIG. 7, details of operation of the recording device 100 in the security mode M220 are described below.

The security mode M220 is a mode which operates when a vehicle is recognized to be parked. As described in FIG. 5, when a preset time passes after the ignition key is turned off in the drive mode M210, the recording device 100 enters the security mode M220.

[0047]

In the security mode (normal condition) M221, upon detection of occurrence of an event (PC connection, record button, displacement, shock, alarm pattern, or call-back), the recording device 100 enters event state M222.

Transferring to the event state M222, the recording device performs event recording, and records a forward outside video and an inside video for a predetermined time immediately after the occurrence of event, along with acceleration data and GPS data for the time corresponding thereto, on the record memory 120. At the same time, the recording device 100 transmits event recording data instantaneously to the data management center 310 over a communication network 300."

(7) In light of the above descriptions (2) and (3), the recording device 100 is installed in a car, and is recognized to have a function as a drive recorder which captures a forward outside video to be recorded when the car is traveling, and a function as a security device which records a forward outside video or an inside video when the car is parked.

Considering the above descriptions, matters recognized, and descriptions in

FIGS. 1-7, according to the descriptions of the Invention, Cited Document describes the following invention (hereinafter referred to as "Cited invention") on a recording device.
"The recording device having a function as a drive recorder which captures a forward outside video when a car is traveling, to be recorded, and a function as a security device which is installed in a car, to record a forward outside video or an inside video when the car is parked,

configured to record forward outside and inside videos for a predetermined time immediately after the occurrence of an event in security mode for a parked vehicle,

and to record a forward outside video in drive mode for a traveling vehicle."

3 Comparison

The Invention is compared with Cited invention.

The description, "a function as a drive recorder which captures a forward outside video when a car is traveling, to be recorded" in Cited invention corresponds to the "function as a drive-camera" in the Invention,

the description, "a function as a security device which is installed in a car, to record a forward outside video or an inside video when the car is parked" corresponds to the "function as a in-vehicle security camera ",

the "recording device" "records a video", and corresponds to the "video recording device",

the "security mode for a parked vehicle" corresponds to the description, "when in operation as the security camera",

and the "drive mode for a traveling vehicle" corresponds to the description, "when in operation as the drive camera", respectively.

Cited invention includes "a function as a drive recorder which captures a forward outside video when a car is traveling, to be recorded", and is configured "to record a forward outside video in drive mode for a traveling vehicle." This kind of drive recorder generally records a forward outside video as it is when the car is traveling, and does not "clip and record a person in the video or the person including the surroundings thereof" generally, due to no necessity.

Although the configuration "not to clip and record a person in the video or the person including the surroundings thereof when in operation as a drive camera" is not described directly in Cited Document, it can be recognized that Cited invention includes the configuration substantially.

In light of the above, the Invention and Cited invention correspond to each other in the following points.

"The video recording device having functions as a drive camera and an in-vehicle security camera,

configured to record a video when in operation as the security camera, and configured not to clip and record a person in the video or the person including the surroundings thereof when in operation as the drive camera."

Meanwhile, they are different from each other in the following point.

[The different feature]

The Invention is configured to "include image-recognition function of recognizing a person in a video, and to clip and record the person in the video or the person including the surroundings thereof when in operation as the security camera,"

while Cited invention does not include the above configuration, and is configured to "record forward outside and inside videos for a predetermined time immediately after the occurrence of an event in security mode for a parked vehicle".

4 Judgment

The above different feature is examined below.

When in operation as a security camera, the configuration to clip and record a person or the person including the surroundings thereof was well known before filing the Original application, as described in, for example, Japanese Unexamined Patent Application Publication No. H7-288802 (See especially [0001], [0023]-[0027], FIG. 2, and FIG. 3), and Japanese Unexamined Patent Application Publication No. 2003-230130 (see especially [Claim 2]-[Claim 3] in the scope of claims, [0009], [0012]-[0028], [0035]-[0037], and FIGS. 1-8).

In Japanese Unexamined Patent Application Publication No. 2003-230130, in clipping routine (S112), the invention is configured to detect a contour of a change area in a captured image and fills the area, to extract a fill-in shape (S302-S304), to compare a predetermined pattern showing a person with the fill-in shape (S308-S310), and to record a rectangular clipping area with a high degree of accuracy when there is a corresponding pattern (S312-S318, S116). (See especially [Claim 2]-[Claim 3] in the scope of claims, [0014]-[0027], and FIGS. 2-8.)

The above descriptions, "to compare a predetermined pattern showing a person with the fill-in shape" and "to record a rectangular clipping area with a high degree of

accuracy when there is a corresponding pattern" correspond to the descriptions, "recognizing a person in a video" and "to clip and record the person in the video or the person including the surroundings thereof" in the Invention, respectively.

The configuration to "include image-recognition function of recognizing a person in a video" for functioning as a security camera is described in Japanese Unexamined Patent Application Publication No. 2003-230130, and could have been well known.

Cited invention is configured to "function as a security device by detecting damage to a windowpane or door opening/closing for monitoring car break-in or car theft when the vehicle is parked, to record forward outside and inside videos" (see [0014] in description (2) about Cited Document 1). The configuration to "record a forward outside video and an inside video for a predetermined time immediately after the occurrence of event, in security mode for a parked vehicle" in Cited invention is a function as a security camera.

Therefore, a person skilled in the art could have easily conceived of a configuration relating to the above different feature of the Invention, on the basis of the above well-known arts, by "including an image-recognition function of recognizing a person in a video, and configured to clip and record a person in the video or the person including the surroundings thereof when in operation as the security camera" in "recording forward outside and inside videos for a predetermined time immediately after the occurrence of eventsin security mode for a parked vehicle" in Cited invention.

Effects obtained by the Invention could also have been easily predicted by a person skilled in the art from Cited Invention and the well-known arts and cannot be remarkable.

Thus, the Invention could be provided easily by a person skilled in the art according to Cited Invention and the well-known arts.

5 Closing

Thus, the Invention (invention relating to Claim 1) could be provided easily by a person skilled in the art according to Cited Invention and the well-known arts, and the Invention cannot obtain a patent in accordance with the provisions of Article 29 (2) of the Patent Act. The application should be rejected without examining inventions relating to other claims.

Therefore, the appeal decision shall be made as described in the conclusion.

July 5, 2016

Chief administrative judge: MORIKAWA, Mototsugu
Administrative judge: OZEKI, Mineo
Administrative judge: UCHIDA, Hiroyuki