

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte HAJIME WATANABE*  
and  
*MASASHIGE KIMURA*

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Appeal No. 2002-0863  
Application No. 08/770,039

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ON BRIEF

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Before KRASS, BARRETT and Moore, *Administrative Patent Judges*.  
MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the final rejection of claims 7-18 and 21-23. Claims 1-6, 19-20, and 22 have been canceled. Thus, claims 7-18, 21 and 23 are before us on appeal.

REPRESENTATIVE CLAIM

The appellants have indicated that claims 7-18 and 21 stand or fall together, and that claim 23 stands or falls apart. Accordingly, we shall focus our attention on claims 7 and 23, and the remaining claims will stand or fall together. Note In re

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Dance, 160 F.3d 1339, 1340 n.2, 48 USPQ2d 1635, 1636 n.2 (Fed. Cir. 1998); In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137 (Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983).

Claims 7 and 23 are representative of the claims on appeal and read as follows:

7. A light-incorporated video camera incorporating a video light integrally in a video camera, comprising:

a first switch for individually instructing a second switch to turn-on said video light so as to enable a user to separately turn-on said video light;

a timer;

an illuminometer; and

a central processing unit (CPU) for controlling said second switch based on input information from said first switch, information from said timer and information from said illuminometer;

wherein said CPU starts said timer and also turns on said second switch when turn-on of said video light is instructed from said first switch and it is determined that lighting is necessary based on illuminance of an object measured by said illuminometer, and, when a time set on said timer expires, said CPU turns off said second switch to turn off said video light; and

said video light is maintained in a turned-on state if said CPU determines that a record/stop switch of said video camera is on.

23. A light incorporated video camera incorporating a video light integrally in a video camera, comprising:

a first switch for individually instructing a second switch to turn on said video light so as to enable a user to separately turn on said video light;

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a timer; and

a central processing unit (CPU) for controlling said second switch based on input information from said first switch and information from said timer;

wherein said CPU starts said timer and also turns on said second switch to turn on said video light when turn-on of said video light is instructed from said first switch, and, when a time set on said timer expires, said CPU turns off said second switch to turn off said video light; and

said video light is maintained in a turned-on state if said CPU determines that a record/stop switch of said video camera is on, by means of said CPU initializing said timer when it is determined that said record/stop switch is on, thereby preventing said timer from expiring.

#### The References

In rejecting the claims under 35 U.S.C. § 103(a), the examiner relies upon the following references:

Sakai et al. (Sakai)	4,782,355	Nov. 01, 1988
Nishigaki et al. (Nishigaki)	5,130,741	Jul. 14, 1992
Goo et al. (Goo)	5,309,195	May 03, 1994

#### The Rejections

Claims 7-9, 13-15, 21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishigaki in view of Goo and Sakai.

Claims 10-12 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishigaki in view of Goo and Sakai, and further in view of the conceded prior art.

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### The Invention

The invention relates to a video camera having an integral video light. (Specification, page 1, lines 3-6). The video light is automatically turned off after the elapsing of a predetermined time period to reduce the consumption of the video lamp life and battery life (Specification, page 2, lines 14-19). This is accomplished by the apparatus as further described and claimed in claims 7 and 23.

### Discussion

#### The Rejection of Claims 7-9, 13-15 and 21-23 under 35 U.S.C. §103(a)

The Examiner has found that Nishigaki teaches a video camera having a video light. A first switch is provided for individually instructing a second switch to turn on the video light, the second switch being between the video light and the first switch. A CPU is inherently present to control the functions of the camera. The examiner has additionally found that Goo teaches a processor. Nishigaki detects excess discharge of the battery and turns off power to the light if the discharge amount exceeds a certain threshold value. (Examiner's Answer, page 3, line 15 - page 4, line 13).

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The examiner has also found that Goo teaches a camera having an automatic power-off function which powers off auxiliary circuits, such as lights, after a predetermined time, thereby solving the problem of wasted power. (Examiner's Answer, Page 4, lines 14-19).

The examiner has additionally found that Sakai teaches an illuminometer for cameras, which illuminometer detects ambient light. The illuminometer is connected to a main microcomputer which sends information to the main interface to operate the electronic flash when illumination is too low. (Examiner's answer, page 5, lines 14-18).

The examiner thus concludes that it would have been obvious to use the timer system of Goo in the Nishigaki system in place of the battery discharge method as the timer system is much simpler and ensures power is turned off before the battery is depleted. The examiner has further concluded that it would have been obvious to incorporate the time between the first and second switches to ensure adequate operation of the light source when the camera has not been operated in a certain amount of time, to provide light when the camera is in use, and to prevent the light turning off before recording is complete. (Examiner's Answer, page 4, lines 1-5).

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The examiner has further concluded that it would have been obvious to incorporate the illuminometer of Sakai in the systems of Nishiaki and Goo so that the light is on only when necessary. (Examiner's Answer, page 5, line 19 - page 6, line 1).

As we find the underlying prima facie case of obviousness to be based upon an error of fact, we reverse.

The examiner has concluded that a CPU is inherently present within the system of Nishigaki and that CPU controls the second switch. (Examiner's Answer, Page 4, lines 1-4). This is incorrect.

The power conserving switch 37 in Nishigaki's Figure 8 changes over when the potential difference supplied by the battery does not allow resistor 28 to be connected with resistor 29 in parallel, preventing turn-on of transistors 32 and 33. The light is then maintained in an off position. This is not inherently a CPU without which "the light would not function properly with regard to the switches" (Examiner's Answer, page 4, lines 3-4).

Further, the examiner is incorrect in stating that element 16a is a switch. It appears that element 16a is depicted as a switch in traditional nomenclature as the circuit can be opened at that point by removal of the battery. However, Nishigaki states that element 16a and 9a are power source terminals for the battery. (Column 8, lines 39-40). The power source switch is

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reference numeral 11, which energizes the Darlington circuit configured to prevent lamp energization in the event of a battery discharge condition. (Column 9, lines 4-27).

Control of the light via discharge management in Nishigaki is, therefore, outside of the CPU function of the camera of Nishigaki. Consequently, the camera CPU cannot control the second light switch as required by instant claims 7 and 23, and the prima facie case of obviousness is based upon an error of fact.

Where the Examiner fails to establish a prima facie case, the rejection is improper and will be overturned. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). We therefore reverse this rejection.

The Rejection of Claims 10-12 and 16-18  
under 35 U.S.C. §103(a)

As we have reversed the rejection of the claims from which these claims depend, we likewise reverse this rejection for the reasons enumerated above.

Summary of Decision

The rejection of claims 7-9, 13-15, 21 and 23 under 35 U.S.C. §103(a) as being unpatentable over Nishigaki in view of Goo and Sakai is reversed.

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The rejection of claims 10-12 and 16-18 under 35 U.S.C. §103(a) as being unpatentable over Nishigaki in view of Goo and Sakai, and further in view of the conceded prior art, is reversed.

**REVERSED**

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

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