

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARVER A. MEAD, J. ORION PRITCHARD,
RICHARD F. LYON and PETER SCHMIDT

Appeal No. 2003-1992
Application No. 09/075,777

ON BRIEF

Before THOMAS, FLEMING, and BLANKENSHIP, ***Administrative Patent Judges***.

FLEMING, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-44, all the claims pending in the instant application.

Invention

The invention relates to the field of electronic or digital cameras and more specifically to tripod mounted view cameras used in professional still photography. See page 1 of Appellants' specification. Figure 2 shows a front, top, back, and side view of the electronic view camera assembly. Figure 3 is a system block diagram of the electronic view camera of Figure 2. See

page 7 of Appellants' specification. Referring to Figure 2, the top view shows a camera head 201 that holds the lens assembly 211 and houses the image sensor module and associated electronics, a laptop type computer 203, and a rigid mounting frame 202 that holds the camera head 201 and computer 203 as a unified camera assembly. See page 9 of Appellants' specification. A standard camera tripod mount 210 is included in bottom plate 207 for connecting a tripod to camera 200. See page 11 of Appellants' specification. Figure 3 is a system block diagram of camera 200 and is shown to include camera head 201 with attached lens 211 and laptop computer 203. The camera elements controllable by computer 203 include: lens assembly 211 for focus, aperture, and zoom control; image sensor module 312 for initialization; exposure, and resolution control; ADC 312 for quantization of pixel data; image buffer 314 for image storage and retrieval. See pages 11 and 12 of Appellants' specification.

Appellants' independent claim 1 is representative of the claimed invention and is reproduced as follows:

1. An electronic view camera apparatus comprising:

a laptop type computer having a display screen, a manual input device, a random access memory, a storage subsystem, and input and output connectors;

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a rigid frame structurally configured to mount on a tripod, for securely holding a camera head and the laptop type computer such that the input and output connectors, and the manual input device are accessible; and

a camera head having a lens assembly, an image sensor module, and an externally accessible control and a communication port, the camera head securely mounted on the rigid frame so that the lens assembly can be unobstructedly pointed at a subject; wherein the laptop type computer is securely mounted on the rigid frame so that the display screen can be conveniently viewed when used as a viewfinder, and the laptop type computer is electrically connected to the camera head for control of selected camera head functions and for receiving image sensor data.

References

The references relied on by the Examiner are as follows:

Ohta et al. (Ohta)	4,642,700	Feb. 10, 1987
Hashimoto et al. (Hashimoto)	4,731,665	Mar. 15, 1988
Takach, Jr. et al. (Takach)	4,830,328	May 16, 1989
Bradbury	5,212,628	May 18, 1993
Konno et al.	5,392,067	Feb. 21, 1995
Parulski et al. (Parulski)	5,402,170	Mar. 28, 1995
Sergeant et al. (Sergeant)	5,627,616	May 6, 1997
Bullock et al. (Bullock)	5,675,358	Oct. 7, 1997
Iijima et al. (Iijima)	5,877,811	Mar. 2, 1999

Rejections at Issue

Claims 1-5, 20-25 and 40-44 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach.

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Claims 6, 11, 16, 26, 31 and 36 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach and further in view Bullock.

Claims 7, 10, 27 and 37 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach and further in view of Parulski.

Claims 8, 9, 28 and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach and further in view of Hashimoto.

Claims 12-14 and 32-34 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach and further in view Bullock and Iijima.

Claims 15 and 35 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view Takach and further in view of Bullock, Iijima and Parulski.

Claims 17 and 37 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach and further in view of Bullock and Sergeant.

Claims 18 and 38 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach and further in view of Bullock and Ohta.

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Claims 19 and 39 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach and further in view of Bullock and Konno.

Throughout our opinion, we will make reference to the briefs¹ and the answer for the respective details thereof.

OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of Appellants and the Examiner, for the reasons stated *infra*, we reverse the Examiner's rejection of claims 1-44 under 35 U.S.C. § 103.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. *In re*

¹ Appellants filed an appeal brief on November 12, 2002. Appellants filed a reply brief on April 9, 2003. The Examiner mailed out an Office communication on June 3, 2003 stating that the reply brief has been entered.

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Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants.

Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). With these principles in mind, we commence review of the pertinent evidence and arguments of Appellants and Examiner.

For the rejection of claims 1-5, 20-25 and 40-44, Appellants argue that Bradbury in combination with Takach fails to teach or suggest all the claimed limitations as claimed in independent claims 1, 21 and 41. Appellants argue that the combination of Bradbury and Takach fail to teach or suggest a rigid frame

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structurally configured to mount on a tripod, the rigid frame for holding the camera head and the laptop type computer as a unified camera structure, the camera head is securely mounted on the front of the rigid frame so that lens is centrally located and the lens' central axis is aligned from front to rear and the lens can be unobstructedly pointed at a subject, the tripod mount is on the bottom plate and located below the approximate center of mass of the electronic view apparatus and below the central axis of the lens for parallax reduction, and a rigid frame for constructing an electronic view camera. See pages 11-16 of the brief and pages 2-6 of the reply brief.

The Examiner states that Bradbury does not expressly disclose a camera head securely mounted on the rigid frame so that the lens assembly can be unobstructedly pointed at a subject. See page 4 of the answer. The Examiner argues that it would have been obvious to one of ordinary skill in the art at the time the invention was made to physically mount Bradbury's camera head onto the carrying case to accommodate for the absence of a suitable surface space while operating the laptop computer or other devices. The Examiner argues that this would allow the user the flexibility of managing both the laptop computer as well as the camera head. See page 4 of the answer.

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In response, Appellants' argue that the Examiner merely provides an opinion without evidence and that there would have been a huge leap for one of ordinary skill in the art to mount the digital camera head to the case. Appellants point out that the Examiner merely provided an opinion about modifying the prior art reference. Appellants point out that there is no specific citation to the suggestion or desirability to modify the Bradbury reference in the manner suggested by the Examiner. Appellants point out that the Bradbury reference has no teaching of attaching the peripheral digital camera to the carrying case. See page 7 of the reply brief.

When determining obviousness, "[t]he factual inquiry whether to combine references must be thorough and searching." ***In re Lee***, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002), ***citing McGinley v. Franklin Sports, Inc.***, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). "It must be based on objective evidence of record." ***Id.*** "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" ***In re Dembiczak***, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617. "Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of

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material fact." *Dembiczak*, 175 F.3d at 1000, 50 USPQ2d at 1617, *citing McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993).

The Federal Circuit reviews the Board's ultimate conclusion of obviousness without deference, and the Board's underlying factual determinations for substantial evidence. *In re Huston*, 308 F.3d 1267, 1276, 64 USPQ2d 1801, 1806 (Fed. Cir. 2002) *citing In re Gartside*, 203 F.3d 1305, 1316, 53 USPQ2d 1769, 1776 (Fed. Cir. 2000). "The Board's findings must extend to all material facts and must be documented on the record, lest the 'haze of so-called expertise' acquire insulation from accountability." *In re Lee*, 277 F.3d 1338, 1345, 61 USPQ2d 1430, 1435 (Fed. Cir. 2002).

Upon our review of Bradbury, we fail to find that Bradbury provides a teaching or a suggestion of attaching the peripheral digital camera to the Bradbury's carrying case. Bradbury does teach by way of example, the peripheral devices to be carried within the body 4 of case 1 include a digital camera 30. See Bradbury, column 3, lines 34-36. Bradbury further teaches that a pair of retaining straps 35 and 36 extend from the bottom of body 4 to surround and retain the digital camera 30. The straps 35 and 36 may contain hook and loop material by which said straps

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can be fastened to one another to hold camera 30 in place within the carrying case 1. In addition, padded side cushions 37 and 38 are secured to the bottom of body 4 between which the digital camera 30 is received and protected against shock. See Bradbury, column 3, lines 42-51. We find that Bradbury fails to teach, other than to provide storage for camera 30, a means in which to attach the peripheral camera to the carrying case so that the lens assembly can be unobstructedly pointed at a subject as recited in Appellants' independent claims 1, 21 and 41.

Therefore, we will not sustain the Examiner's rejection of claims 1-5, 20-25 and 40 under 35 U.S.C. § 103 as being unpatentable over Bradbury in view of Takach.

For the remaining rejections, we note that the Examiner is relying on the combination of Bradbury and Takach to teach a rigid frame 4 securely holding a camera head, the camera head securely mounted on the rigid frame so that the lens assembly can be unobstructedly pointed at a subject as recited in the independent claims from which the dependent claims depend therefrom. Therefore, we will not sustain the Examiner's rejection for the same reasons as above.

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In view of the foregoing, we have not sustained the
Examiner's rejection of claims 1-44 under 35 U.S.C. § 103.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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HOWARD B. BLANKENSHIP)	
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