

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte IAN NEVILL ROBINSON and GARY DAVID SASAKI

Appeal No. 2004-0519
Application No. 09/394,199

ON BRIEF

Before: DIXON, LEVY and NAPPI, **Administrative Patent Judges.**

NAPPI, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 22 through 41, which constitute all the claims in the application.

Invention

The invention relates to a computer system that includes a base station, which communicates with a screen pad device. The base station compresses the data from the computer system and transmits the compressed data to the screen pad device (see

page 4 of appellants' specification). The base station connects to the computer system via a display port, which would normally be connected to the computer system's display (see page 7 of appellants' specification).

Claim 22 is representative of the invention and reproduced below:

22. A portable user interface to a computer system, comprising:

base station that connects to a display port of the computer system wherein the display port is adapted to provide a set of raw picture information to a local display of the computer system, the base station compressing the raw picture information that would normally go to the local display and transmitting the raw picture information via communication link;

screen-pad receiving the raw picture information via the communication link and decompressing the raw picture information, and displaying an image defined by the raw picture information.

References

The reference relied upon by the examiner is:

Stoye	5,969,696	October 19, 1999 (filed November 13, 1995)
Nahi et al. (Nahi)	6,084,584	July 4, 2000 (filed October 1, 1996)

Rejection at Issue

Claims 22 through 41 stand rejected under 35 U.S.C. § 103 as being obvious over Nahi in view of Stoye. Throughout the opinion we make reference to the brief¹ and the answer for the respective details thereof.

Opinion

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of obviousness relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the brief along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the examiner's rejection and the arguments of appellants and examiner, for the reasons stated *infra* we will not sustain the examiner's rejection of claims 22 through 41 under 35 U.S.C. § 103.

The examiner's rejection is set forth on pages 2 through 4 of the final rejection dated October 17, 2002. On page 2 of the final rejection, the examiner states that Nahi teaches "a base station (18) for obtaining a set of image data from the computer

¹ Appellants filed an Appeal Brief on March 24, 2003 (certified as being deposited for mailed on March 17, 2003, in accordance with 37 C.F.R. § 1.8(a)).

system, compressing the image data and transmitting the image data via a wire-less communication link.”

Appellants argue, on page 7 of the brief:

Nahi and Stoye do not teach or suggest the limitation in claim 22 of a base station that compresses the raw picture information that would normally go to a local display of a computer system. Appellant submits that the transceiver 18 of Nahi does not perform data compression. It is also submitted that Nahi does not suggest that the transceiver 18 could perform data compression.

Further, appellants assert that Nahi teaches software in the host computer system performs the data compression.

In response to this argument by the appellants, the examiner states, on page 4 of the answer:

First of all, the raw picture information as claimed is nothing more than [sic, than] uncompress [sic] picture information (see page 7, lines 18-31 of the specification). Secondly, Nahi teaches compressing picture information before transmit [sic] it to a remote display by the base station (see col. 4, lines 27-35). Although Nahi does not disclose compressing the picture information in the base station, but it would have been obvious to one of ordinary skill in the art that the compressing can be done in the computer system or in the base station.

While we agree with the examiner’s statement that the claimed raw picture data is uncompressed data, and the examiner’s statement that Nahi does not disclose compressing data in a base station, we disagree that it would have been obvious that the data compression be done in the base station. 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 arguments.” *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). “[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). In addition, our reviewing court stated in *In re Lee*, 277 F.3d at 1343, 61 USPQ2d at 1433, that when making an obviousness rejection based on combination, “there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by Applicant” (quoting *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998)).

The examiner has not identified any teaching or suggestion that a base station could perform data compression. The examiner equates the transceiver 18 shown in figure 1 of Nahi with the claimed base station. This transceiver is described in Nahi, as being either a low power transceiver (in one embodiment, described in column 12, lines 1 to 6) or a multi-channel spread spectrum transceiver (in a second embodiment described in column 12, lines 24-31). However, we do not find that Nahi teaches that the transceiver 18 performs data compression, nor do we find any suggestion in Nahi that data compression should be performed by the transceiver. Further, we do not find that Stoye includes such a teaching. Thus, we find that neither Nahi nor Stoye, teaches or suggests the limitation found in claim 22 of: “the base station compressing the raw

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picture information that would normally go to the local display and transmitting the raw picture information via a communication link.” Accordingly, we will not sustain the examiner’s rejection of claims 22 through 41 under 35 U.S.C. § 103 as being obvious over Nahi in view of Stoye.

Reversed

JOSEPH L. DIXON)	
Administrative Patent Judge)	
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STUART S. LEVY)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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)	
ROBERT NAPPI)	
Administrative Patent Judge)	

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HEWLETT PACKARD COMPANY
P.O. BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400