

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte BRUCE TOGNAZZINI

---

Appeal No. 2004-0995  
Application No. 09/984,546

---

HEARD: JANUARY 25, 2005

---

Before THOMAS, FLEMING, and LEVY, Administrative Patent Judges.  
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's final rejection of claim 7. This claim is reproduced below:

7. A portable computer for linking with a non-portable computer for the transfer of information, comprising:

a. a wireless transceiver for receiving information from said non-portable computer; and

b. two video buffers selectively providing respective images to a single display, one of which provides at least one image from said portable computer to said display and the other of which provides at least one image from said non-portable computer received over said wireless transceiver to said display.



Appeal No. 2004-0995  
Application No. 09/984,546

figure 3a at column 9, line 48 through col. 10, line 2; the showing of two pen event buffers (302, 309) in figure 3a; and the discussion at the bottom of column 10, line 61 through column 13, line 29. Note particularly the discussion of local inking at column 11 generally and the details at column 12, lines 1-13 and column 13, lines 14-21.

In traversing the examiner's stated rejection in the answer at page 5 of the brief, appellant recognizes that the "viewer of *Banerjee et al.* receives video events from the host computer and stores them in a video event buffer 305" and further indicates that the "display in digitizer/display unit 342 is part of an LCD subsystem 113 that includes an LCD screen 113c, . . . a video memory 113b, . . . ." On the basis of this interpretation of the reference, appellant asserts that there is only one video event buffer 305 to correspond to one of the two recited video buffers in claim 7 on appeal by taking the view that the "Examiner mistakenly characterizes video memory 113b as a 'video buffer.'" Brief, bottom of page 5.

Initially, we do not agree with appellant's assertion at page 6 of the brief that the video memory 113b is part of one embodiment and video event buffer 305 is part of a different embodiment. According to the brief description of the drawings

Appeal No. 2004-0995  
Application No. 09/984,546

at the top of column 3, figures 1a, 1b depict the hardware configuration of the pen-based peripheral device or viewer 100 in these figures, where figures 3a-3c relate to a block diagram format of the software environment 300 under which the viewer 100 and host computer 101 operate and where figure 4 shows a pen control program state diagram to provide the viewer 100 remote control of the host computer 101. The artisan would therefore well appreciate that only a single embodiment with a structural and software-functional type of environments are depicted in the figures relied upon by the examiner and us in reaching our decision.

Because appellant's remaining arguments in the brief are wrongly bottomed on the view that only one video buffer is disclosed in this reference, we do not agree with appellant's additional assertions that Banerjee does not teach two video buffers selectively providing images to a single display as recited in clause "b" of claim 7 on appeal. It is not disputed that the Video Event Buffer 305 in figures 3a and 3c buffer video images from the non-portable computer that are received over the wireless transceiver to the single display, LCD 113c/409. Correspondingly, the Pen Event Buffer 302 in figures 3a, 3c and the image buffering for local inking operations (401, 402, 405

Appeal No. 2004-0995  
Application No. 09/984,546

and 409) within the hand-held interface 100 provides the video buffering for the portable computer itself as claimed.

To the extent that we have applied the same art in a manner somewhat differently than the examiner, this does not constitute a new ground of rejection. See In re Boyer, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444 n.2 (CCPA 1966) and In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961). Furthermore, it is not a new ground of rejection to cite additional portions of the same reference relied upon by the examiner. In re Meinhardt, 392 F.2d 273, 280, 157 USPQ 270, 275 (CCPA 1968). We must consider a reference in its entirety for what it fairly suggests to one skilled in the art, and pointing to other portions of the same reference used by the examiner is not viewed as being a new ground of rejection. See In re Hedges, 783 F.2d 1038 1039, 228 USPQ 685, 686 (Fed. Cir. 1986). Appellant should not be surprised by our reliance upon a different portion of Banerjee because we must presume appellant read the entire reference.

Appeal No. 2004-0995  
Application No. 09/984,546

In view of the foregoing, the decision of the examiner rejecting claim 7 on appeal under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	
MICHAEL R. FLEMING	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
	)	
STUART S. LEVY	)	
Administrative Patent Judge	)	

JDT:hh

Appeal No. 2004-0995  
Application No. 09/984,546

FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, LLP  
1300 I STREET, N.W.  
WASHINGTON, DC 20005-3315