The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROLAND R. THOMPSON
and MICHAEL S. BLACKSTONE

Appeal No. 2004-1637
Application No. 09/130,807

ON BRIEF

Before FRANKFORT, MCQUADE, and BAHR, Administrative Patent Judges.

MCQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Roland R. Thompson et al. appeal from the final rejection (Paper No. 14) of claims 2, 3 and 8 through 22, all of the claims pending in the application.

THE INVENTION

The invention relates to a system for conveying advertising information to spectators. Representative claims 15 and 17 read as follows:[1]

[1] The language in independent claims 15, 17, 19 and 21 defining the relationships between respective flexible members, motor driven reels and equipment support members is somewhat imprecise and should be clarified in the event of further

15. A three-dimensionally moveable camera system that conveys advertising information to spectators, comprising:

at least first, second and third elongated flexible members, each having a first end and a second end;

at least three motor driven reels, wherein one motor driven reel corresponds to one elongated flexible member, and wherein the first end of said first elongated flexible member is extendably and retractably connected to said motor driven reel;

at least first, second and third equipment support members, wherein said first equipment support member corresponds to said first elongated flexible member, and wherein the second end of said first elongated flexible member is attached to said equipment support member;

a three-dimensionally moveable camera assembly comprising: a camera, a camera mount having said camera mounted thereon, said camera mount being connected to said equipment support members; a cover, coupled to the mount, that conveys advertising information to spectators in a field of view of said three-dimensionally moveable camera assembly; and control electronics that control at least one angular orientation of said three-dimensionally moveable camera assembly including said cover, wherein said cover is maintained in a desired angular orientation with respect to a ground surface, irrespective of an angular position of said camera with respect to the ground surface and said cover covers said control electronics.

17. A three-dimensionally moveable camera system that conveys advertising information to spectators, comprising:

at least first, second and third elongated flexible members, each having a first end and a second end;

at least three motor driven reels, wherein one motor driven reel corresponds to one elongated flexible member, and wherein the first end of said first elongated flexible member is extendably and retractably connected to said motor driven reel;

at least first, second and third equipment support members, wherein said first equipment support member corresponds to said first elongated flexible member, and wherein the second end of said first elongated flexible member is attached to said equipment support member;

a three-dimensionally moveable camera assembly comprising: a camera; a camera mount having said camera mounted thereon, said

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prosecution before the examiner.

camera mount being connected to said equipment support members; control electronics that control at least one angular orientation of said three-dimensionally moveable camera assembly; and a plurality of light emitting objects coupled to the control electronics, said plurality of light emitting objects conveying advertising information to spectators in a field of view of said three-dimensionally moveable camera assembly.

THE PRIOR ART

The references relied on by the examiner to support the final rejection are:

Takubo	4,625,243	Nov. 25, 1986
Brown	4,710,819	Dec. 1, 1987
Penston, III (Penston)	5,531,453	Jul. 2, 1996

THE REJECTIONS

Claims 2, 3, 8, 10, 11, 15, 16, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Takubo.

Claims 9, 12 through 14, 17, 18, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Takubo and Penston.

Attention is directed to the brief (Paper No. 21) and answer (Paper No. 23) for the respective positions of the appellants and examiner regarding the merits of these rejections.

DISCUSSION

I. The 35 U.S.C. § 103(a) rejection of claims 2, 3, 8, 10, 11, 15, 16, 19 and 20 as being unpatentable over Brown in view of Takubo

Brown, the examiner's primary reference, discloses a suspension system for supporting and conveying various types of equipment such as photographic and video equipment, military weapons, lasers, surveillance sensors, lighting equipment, industrial retrieval or assembly equipment, games and the like (see column 9, line 30, through column 10, line 18; and column 11, lines 14 through 35). Figure 1 illustrates a preferred embodiment of the system for supporting and conveying a camera assembly. This system 10 includes an equipment support member 24 held in suspension by four cables 12, 14, 16 and 18, with each cable associated with a pulley 20, a support structure 22 and an individual motor assembly 26. The equipment support member 24 is a two-axis gimbal mounted on a camera assembly 25 comprising a vertical spar 56, a camera 54 on the lower end of the spar, various electronic components on the upper end of the spar, and lower and upper spherical balls 60 and 62 respectively enclosing the camera and the electronic components. The balls serve to equalize wind loading on the opposite ends of the camera assembly (see column 18, lines 36 through 45).

In applying Brown against independent claims 15 and 19, the examiner (see pages 3 and 4 in the answer) finds correspondence between Brown's upper spherical ball 62 and the cover recited in these claims, but concedes that the ball 62 fails to meet the claim limitations requiring the cover to convey advertising information to spectators in a field of view of the three-dimensionally movable assembly. To overcome this deficiency, the examiner turns to Takubo.

Takubo discloses a hand-held camera having a body 10 which is depicted in the drawing figure as bearing the indicia "JVC," ostensibly a reference to the camera's manufacturer. Although the answer does not clearly describe the manner in which Brown and Takubo are intended to be combined, the examiner presumably cites Takubo to support the proposition that it would have been obvious to modify Brown's upper spherical ball 62 to convey advertising information to spectators in a field of view of the three-dimensionally movable assembly. Takubo, however, contains no such suggestion. The only suggestion for so combining a wind-loading ball in a suspension system of the sort disclosed by Brown with a manufacturer's logo displayed on a hand-held camera as disclosed by Takubo stems from hindsight knowledge impermissibly derived from the appellants' disclosure.

Thus, the combined teachings of Brown and Takubo fail to establish a prima facie case of obviousness with respect to the subject matter recited in independent claims 15 and 19.[2] Consequently, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of claims 15 and 19, and dependent claims 2, 3, 8, 10, 11, 16 and 20, as being unpatentable over Brown in view of Takubo.

II. The 35 U.S.C. § 103(a) rejection of claims 9, 12 through 14, 17, 18, 21 and 22 as being unpatentable over Brown in view of Takubo and Penston

In this rejection, the examiner (see page 4 in the answer) acknowledges that Brown and Takubo lack response to the limitations in independent claims 17 and 21 requiring a plurality of light emitting objects for conveying advertising information to spectators in a field of view of the three-dimensionally movable assembly. The examiner's reliance on Penston to cure this shortcoming is not well taken.

Penston discloses a stationary scoreboard 1 suspended above a boxing ring. The scoreboard contains display means for conveying various items of information, including commercial

[2] This being so, it is unnecessary to delve into the merits of the 37 CFR § 1.132 declaration of Garrett W. Brown, filed July 2, 2001 (part of Paper No. 6), which the appellants rely on as evidence of non-obviousness.

advertising, to spectators. This teaching, however, has little, if any, practical relevance to the movable suspension system disclosed by Brown. As was the case above, the only suggestion for combining Penston with Brown and Takubo so as to arrive at the subject matter recited in claims 17 and 21 stems from hindsight knowledge impermissibly derived from the appellants' disclosure.

Thus, the combined teachings of Brown, Takubo and Penston fail to establish a prima facie case of obviousness with respect to the subject matter recited in independent claims 17 and 21. Hence, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of claims 17 and 21, and dependent claims 9, 12 through 14, 18 and 22, as being unpatentable over Brown in view of Takubo and Penston.

SUMMARY

The decision of the examiner to reject claims 2, 3 and 8 through 22 is reversed.

REVERSED

CHARLES E. FRANKFORT Administrative Patent Judge	)	
	)	BOARD OF PATENT
	)	APPEALS AND
JOHN P. MCQUADE Administrative Patent Judge	)	INTERFERENCES
JENNIFER D. BAHR Administrative Patent Judge	)	

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KILPATRICK & STOCKTON, LLP
607 14TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20005-2018