The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIBALD FRIEDREICH

Appeal No. 2004-1996
Application No. 09/399,606

ON BRIEF

Before KRASS, FLEMING and NAPPI, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-6.

The invention pertains to reducing power consumption in a signal processing apparatus, best illustrated by reference to independent claim 1. A copy of claim 1 is appended to this decision.

The examiner relies on the following references:

Chang	5,477,279	Dec. 19, 1995
Leshem	5,523,851	Jun. 04, 1996
Bonneville et al. (Bonneville)	5,636,288	Jun. 03, 1997

Claims 1-6 stand rejected under 35 U.S.C. §103. The examiner offers Chang and Leshem with regard to claims 1-5, adding Bonneville with regard to claim 6.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

OPINION

In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). To reach a conclusion of obviousness under §103, the examiner must produce a factual basis supported by a teaching in a prior art reference or shown to be common knowledge of unquestionable demonstration. Our reviewing court requires this evidence in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). The examiner may satisfy his burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art

would lead that individual to combine the relevant teachings of the references. In re

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

We have carefully reviewed the evidence of record, including the arguments of appellant and the examiner, in this case and we conclude that the examiner has not established a prima facie case of obviousness with regard to the instant claimed subject matter. Accordingly, we will not sustain the rejection of claims 1-6 under 35 U.S.C. §103.

Independent claim 1 requires, inter alia, a “detection means...for detecting an occurrence or non-occurrence of a supply of power to the power supply output means. It is the examiner’s view that Chang meets this claimed limitation by “microprocessor 109 which senses the power status of the TV/VCR (col 5, line 4-17), where microprocessor 109 provides voltage control signals to the monitor via monitor power control section 107 and standby state power control section 108" (answer-page 4). In addition, the examiner points to lines 29-33 of Chang’s claim 1 (column 6, lines 11-12), for a disclosure of “a microprocessor for sensing the power conditions of said TV/VCR set...” (answer-page 10).

While we understand why the examiner would focus on this recitation in Chang, a closer reading of the reference leads to the conclusion that the microprocessor 109

does, indeed, sense “power conditions,” but this sensing of power conditions is not the same as the claimed detection of an occurrence or non-occurrence of a supply of power to the power supply output means. The microprocessor in Chang senses “conditions,” or modes, and the microprocessor then supplies the power (either a high or low voltage control signal) at output ports of the microprocessor in accordance with those sensed modes. This is shown in Table 1 at column 4 of Chang. However, the microprocessor is not detecting, or sensing, occurrence or non-occurrence of a supply of power; rather, the microprocessor is supplying the power based on detected “conditions.”

Thus, since an important claim limitation, viz., detection means for detecting an occurrence or non-occurrence of a supply of power..., is not disclosed or suggested by Chang, contrary to the examiner’s allegation, and since neither Leshem nor Bonneville provides for this deficiency in Chang, the examiner’s rejection of claims 1-6 under 35 U.S.C. §103 must fail.

The examiner's decision is reversed.

REVERSED

ERROL A. KRASS Administrative Patent Judge	)	
MICHAEL R. FLEMING Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
ROBERT E. NAPPI Administrative Patent Judge	)	

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APPENDIX
Claim 1

1. An audio and/or video signal processing apparatus for supplying audio and/or video signals to a second apparatus, said audio and/or video signal processing apparatus comprising:

first power supply input means for receiving electric power;

power supply output means connectable to second power supply input means of the second apparatus;

power supply connection means for connecting the power supply output means to the first power supply input means and via which at least a part of the power applied to the first power supply input means is applied to the power supply output means;

supply voltage generating means coupled to the first power supply input means for generating at least one supply voltage;

audio and/or video signal processing means for receiving said at least one supply voltage generated by the supply voltage generating means, said audio and/or video signal processing means processing at least one audio and/or video signal and supplying at least one processed audio and/or video signal to be transferred to the second apparatus; and

signal output means for receiving the processed audio and/or video signal from the audio and/or video signal processing means, said signal output means being connectable to signal input means of the second apparatus,

characterized in that said audio and/or video signal processing apparatus further comprises:

detection means coupled to the power supply connection means for detecting an occurrence or non-occurrence of a supply of power to the power supply output means and, when the non-occurrence of a supply of power to the power supply output means is detected, for generating and supplying a first detection signal and, when the occurrence of a supply of power to the power supply output means is detected, for generating and supplying a second detection signal; and

disconnection means coupled between the first power supply input means and the supply voltage generating means, said disconnection means disconnecting the supply voltage generating means from the first power supply input means in the case of an occurrence of the first detection signal, and connecting the supply voltage generating means to the first power supply input means in the case of an occurrence of the second detection signal, the supply voltage generating means then generating the at least one supply voltage and applying the at least one supply voltage to the signal processing means.