

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. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOS KYRTSOS

Appeal No. 2004-2295
Application No. 09/628,396

ON BRIEF

Before COHEN, STAAB, and BARRETT, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20. These claims constitute all of the claims in the application.

Appellant's invention pertains to an object detection system for a vehicle, to a moveable closure assembly, and to a method of detecting an object in a moveable closure path. A basic understanding of the invention can be derived from a reading of

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exemplary claims 1, 10, and 14, respective copies of which appear in the CLAIM APPENDIX for the main brief (Paper No. 10).

As evidence of anticipation and obviousness, the examiner has applied the documents listed below:

Trett et al (Trett)	4,894,952	Jan. 23, 1990
Zhang et al (Zhang)	5,955,854	Sep. 21, 1999

The following rejections are before us for review.

Claims 1, 2, and 4 through 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Zhang.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of Trett.

The full text of the examiner's rejections and response to the argument presented by appellant appears in the main and supplemental answers (Paper No. 11 and 22), while the complete statement of appellant's argument can be found in the main and reply briefs (Paper Nos. 10, 12, and 23).

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OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the Board has carefully considered appellant's specification and claims, the applied teachings, and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

We cannot sustain the examiner's rejections on appeal.

Claim 1 is drawn to an object detection system for a vehicle comprising; inter alia, an emitter, a receiver, and a controller, with the controller being operable to construct a map signature of a signal received by the receiver, the map signature having a first graphical shape representative of known obstructions normally within a defined field, and with the controller operable to construct a second graphical shape in response to an unknown object entering the defined field, variation from the first graphical shape indicative of the unknown object.

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Claim 10 sets forth a moveable closure assembly comprising, inter alia, a moveable closure member, an emitter, a receiver, and a controller, with the controller operable to construct a map signature of a signal received by the receiver, and with the map signature having a first graphical shape representative of known obstructions normally within a defined field such that insertion of an unknown object within the defined field produces a variation from the first graphical shape.

Claim 14 addresses a method of detecting an object in a moveable closure path comprising the steps of; transmitting a signal within a defined field, said defined field adjacent a closure path of a moveable closure member; receiving said signal as transmitted within said defined field; mapping said signal received in said step (2) as a first graphical shape representative of known obstructions normally within said defined field; and identifying a variation in said graphical shape of said step (3).

The examiner concluded that the content of each of independent claims 1, 10, and 14 is anticipated by the Zhang reference (Paper No. 11). In our remand (Paper No. 21), the

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examiner was given the opportunity to further support the anticipation conclusion with findings of fact and technical reasoning vis-a-vis the applied Zhang patent. As we see it, the Supplemental Examiner's Answer (Paper No. 22) simply fails to provide sound evidentiary support for a conclusion of anticipation. As is evident to us from appellant's independent claims, supra, they respectively require a map signature of a signal or mapping a signal. On the other hand, a review of the Zhang patent (column 13, lines 10 through 38) reveals to this panel of the Board that one skilled in this art would not perceive signal mapping for an object detection system, moveable closure assembly, or method, as now claimed. Instead, we comprehend Zhang as teaching an obstruction detection apparatus for a vehicle window that would be understood to provide a controller that simply compares a value of t (length of a detection pulse) to a value of T' (an initialization value related to the length of a detection pulse when a window is free of obstructions), with T' , more particularly, being generated (column 13, lines 25 through 30) as a function of the value of T , an average value of t while a window is being closed. Thus, the signal mapping of appellant's claims does not read on the Zhang disclosure. As to the Trett reference applied by the examiner in

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the obviousness rejection of claim 3 for reasons other than signal mapping, we discern that it does not overcome the deficiency of the Zhang patent addressed above.

In summary, this panel of the Board has not sustained the rejections on appeal.

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
LAWRENCE J. STAAB)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
LEE E. BARRETT)	
Administrative Patent Judge)	

ICC/lbg

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APJ COHEN

APJ BARRETT

APJ STAAB

DECISION: **REVERSED**

Prepared By: Lesley Brooks

GAU: 3600

OB/HD

DRAFT TYPED: 15 Sep 05

FINAL TYPED: