The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WING LEUNG

Appeal No. 2005-0424
Application No. 09/873,845

ON BRIEF

Before KIMLIN, GARRIS and TIMM, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-4, all the claims in the present application. Claim 1 is illustrative:

1. An illuminated decorative globe having an outer translucent cover forming an enclosure for an inner globe carrying an image on its surface, a rotatably mounting supporting the inner globe and an electric light bulb inside the inner globe, and an electric motor coupled to rotate the mounting such that the image is projected onto an inner surface of the outer cover and is visible from outside the cover.

The examiner relies upon the following references as evidence of obviousness:

Farquhar	3,303,582	Feb. 14, 1967
Wang	6,039,453	Mar. 21, 2000

Appellant's claimed invention is directed to an illuminated decorative globe comprising an inner globe that is enclosed by an outer translucent cover. A light bulb is positioned inside the inner globe for projecting the image thereon onto the inner surface of the outer cover. Also, the projected image is visible from outside the cover.

Appealed claims 1, 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Farquhar. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Farquhar in view of Wang.

Appellant submits at page 4 of the principal brief that "[c]laims 1, 2 and 4 stand together" and "[c]laim 3 stands alone."

We have thoroughly reviewed each of appellant's arguments for patentability. However, we are in complete agreement with the examiner that the claimed subject matter would have been obvious to one of ordinary skill in the art within the meaning of

§ 103 in view of the applied prior art. Accordingly, we will sustain the examiner's rejections.

There is no dispute that Farquhar, like appellant, discloses an illuminated globe having an outer translucent cover that encloses an inner globe carrying an image on its surface and having a light bulb inside. It is appellant's principal contention that Farquhar does not teach or suggest projecting the image on the inner globe on the inner surface of the outer cover such that it is visible from outside the outer cover. Appellant emphasizes that Farquhar projects the image on a viewing surface 8 positioned outside the outer cover.

It cannot be gainsaid that Farquhar teaches projecting the image on an inner globe through the translucent outer cover and onto viewing surface 8. However, it is our view that a reasonable interpretation of appealed claim 1 encompasses such an apparatus. Claim 1 on appeal simply requires that the image which is on the surface of the inner globe is projected onto the inner surface of the outer cover, which projection is performed by Farquhar, and that the projected image is visible from outside the cover. Manifestly, the projected image of Farquhar is visible from outside the cover, i.e., on viewing surface 8. Also, another reasonable interpretation of the claim language is

that the image on the surface of the inner globe is visible from outside the outer cover by viewing the inner globe through the outer cover. This aspect of the apparatus is also fairly taught by Farquhar. Hence, it can be seen that appellant's arguments are not commensurate in scope to the degree of protection sought by the appealed claims.

As for separately rejected claim 3, appellant does not present a separate substantive argument but, rather, relies upon the arguments advanced for claim 1 (see page 9 of principal brief, last paragraph).

As a final point, we note that appellant bases no argument upon objective evidence of nonobviousness, such as unexpected results.

In conclusion, based on the foregoing, the examiner's decision rejecting the appealed claims is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR

§ 1.136(a)(1)(iv) (effective Sep. 13, 2004; 69 Fed. Reg. 49960 (Aug. 12, 2004); 1286 Off. Gaz. Pat. Office 21 (Sep. 7, 2004)).

AFFIRMED

EDWARD C. KIMLIN Administrative Patent Judge	)	
BRADLEY R. GARRIS Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
CATHERINE TIMM Administrative Patent Judge	)	

ECK:clm

Alix, Yale & Ristas LLP
750 Main Street
Suite 1400
Hartford, CT 06103