The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ARGELIO M. OLIVERA and DOUGLAS T. PACKARD

Appeal No. 2005-1481
Application 10/236,601

ON BRIEF

Before FRANKFORT, McQUADE, and NASE, Administrative Patent Judges.

McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Argelio M. Olivera et al. appeal from the final rejection of claims 1 and 3 through 14, all of the claims pending in the application.

THE INVENTION

The invention relates to “surgical consoles and, more particularly, to panel displays used on microsurgical consoles” (specification, page 1). Representative claim 1 reads as follows:

1. A surgical console, comprising:

a) a body having an exterior;

b) a panel display mounted to the exterior of the body by an articulation mechanism, the articulation mechanism allowing for movement of the panel display along at least three axes wherein the articulation mechanism includes at least one spindle assembly: and

c) a helical cable wrap contained in the spindle assembly.

THE PRIOR ART

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

Petrich	5,028,746	Jul. 02, 1991
Rosen	6,510,049	Jan. 21, 2003

THE REJECTION

Claims 1 and 3 through 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosen in view of Petrich.

Attention is directed to the brief (filed August 12, 2004) and answer (mailed October 21, 2004) for the respective positions of the appellants and examiner regarding the merits of this rejection.

DISCUSSION

Rosen, the examiner’s primary reference, discloses an adjustable, multi-positional display monitor which can be used in a variety of home and office settings (see column 1, lines 17 through 28; and column 6, lines 53 through 55). As described in the reference,

> a display monitor unit is shown generally at 10, the display monitor unit including a base or swivel portion 12, an arm or pivot portion 14, and a rotatable display screen 16. . . . [T]he base, the arm and the display screen are rotatable about three separate axes, axis A, axis B, and axis C, to accommodate viewing of the display screen regardless of a viewer's orientation to the display monitor unit.

> Display monitor unit 10 can be mounted on a reference surface 18. The reference surface, as shown in FIG. 1, is a horizontal top surface, such as a table. Alternatively, the reference surface may be a vertical surface such as a wall (as shown in FIG. 3), or an overhead surface such as a ceiling (as shown in FIG. 4). Moreover, the reference surface may be at any angle or inclination, such that the display monitor unit may be mounted in a horizontal, vertical, angled or upside down orientation. The term, reference surface, herein, shall be used generally to refer to any mounting surface of the display monitor unit of any orientation [column 3, lines 11 through 30].

Rosen also briefly discusses the audio, video and power inputs to the display monitor unit:

> [a]udio, video and power inputs may be contained within the display monitor unit. Alternatively, the audio, video and power inputs may also extend directly to the screen. In the depicted embodiment, the mounting plate has an opening for the audio and power inputs which run through base 12 and into the end of proximal region 46 of arm 14 and up through distal region 48 of arm 14 and into rear screen housing 60 of screen 16. Moreover, base 12 may have a built in antenna or battery power source. Base 12 may also include a recessed plug for a tuner or other device [column 6, lines 56 through 65].

As conceded by the examiner (see page 3 in the answer), Rosen lacks response to the limitation in independent claim 1 requiring a helical cable wrap contained in the spindle assembly, and to the corresponding limitations in independent claim 8

calling for upper and lower cable wraps contained in upper and lower spindle assemblies, respectively. To account for these deficiencies, the examiner looks to Petrich.

Petrich discloses a pressure transmitter assembly 10 comprising a sensor module housing 11 containing a circuit board 20, an electronic assembly housing 12 containing a circuit board 23, a cable 35 having a connector 36 at one end for circuit board 20 and a connector 37 at its opposite end for circuit board 23, and a cable protector assembly 40 for preventing damage to the cable and connectors when the housings are repositioned relative to one another. The cable protector assembly consists of an outer reel housing 42 and an inner reel sleeve 41 having a spindle or dowel 46 about which the central part of the cable is wound in a loose helical coil (see Figures 4 and 5). In use,

> if the transmitter housings are going to be repositioned, because the coil of cable that is within the reel sleeve is initially a relatively loose helical coil, as the connector on the second transmitter housing is moved away from the reel sleeve, the coil of cable inside the reel sleeve will tighten or loosen, depending on relative rotation to permit a portion of the cable to be extended from the reel. This permits the operator to change or reposition the two transmitter housings relative to each other for matching ports on one of the housings to its connections while the ports on the other housing can be positioned to match a desired location as well [column 2, lines 9 through 21].

In proposing to combine Rosen and Petrich to reject claims 1 and 8, the examiner submits that

> Rosen shows the use of all the claimed invention but fails to show the use of a helical cable wrap contained in the spindle assembly. Petrich teaches the use of a helical cable (35) wrap contained a spindle assembly (46), see columns 3-8. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the spindle assembly as taught by Petrich, in order to protect the cable from external damage [answer, page 3].

Arguably, a person having ordinary skill in the art would have appreciated the benefit of using one or more cable wraps of the sort disclosed by Petrich in conjunction with the panel display disclosed by Rosen to allow the panel display to be repositioned without damaging an audio, video and/or power input cable. The combined teachings of these references, however, would not have suggested locating any such cable wrap in one of the various spindle assemblies which permit the Rosen display panel to rotate about the A, B and C axes. The examiner’s attempt to cure this shortcoming by characterizing the Petrich cable wrap as being contained in spindle assembly 46 is not well taken. Spindle or dowel 46 is an internal component of Petrich’s cable wrap and is quite dissimilar, both structurally and

functionally, to Rosen's spindle assemblies. Even if the artisan would have found it obvious to use cable wraps as in Petrich with a display panel as in Rosen, the fair teachings of the references would not have furnished any motivation to locate the cable wraps as recited in claims 1 and 8.

Accordingly, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of independent claims 1 and 8, and dependent claims 3 through 7 and 9 through 14, as being unpatentable over Rosen in view of Petrich.

SUMMARY

The decision of the examiner to reject claims 1 and 3 through 14 is reversed.

REVERSED

CHARLES E. FRANKFORT Administrative Patent Judge	)	
JOHN P. McQUADE Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JEFFREY V. NASE Administrative Patent Judge	)	

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