

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

Appeal No. 2006-1351
Application 10/246,653

ON BRIEF

Before THOMAS, RUGGIERO, and SAADAT, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's final rejection of claims 1 through 14, 16 and 17.

Representative claim 1 is reproduced below.

1. An illumination circuit, comprising:

a first lamp and a second lamp;

a ballast coupled between a first node and a second node via the first lamp;

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presents the examiner's views as to the rejection of each claim on appeal and, correspondingly, the examiner in the Answer treats all the arguments as to each claim on appeal presented in the Brief.

According to the examiner's view, it clearly appears to us and to the artisan that the source of voltage, the supply and return of the disclosed invention, is the output of the transformer 8 in representative figures 1 and 2 of Nathanson. Leads 24 and 29 at least correspond to the disclosed supply and return leads of figure 2. As such, the examiner does not agree with appellant's urgings in the Brief that the artisan would consider the transformer 8 and its various windings 9 through 11 of the figures as essentially setting forth a ballast with respect to AC source 20 in Nathanson. There is no claim limitation that distinguishes the examiner's application of the prior art. Moreover, the Brief Specification does not either. Of great significance, as well, is the illustration of ballast C_B in disclosed prior art figure 1 and the invention disclosed in figure 2 as comprising capacitors and not any form of transformer or indicator.

We therefore agree with the examiner's correlation of the respective claimed elements of each claim on appeal to the

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corresponding elements of principally figure 2 in Nathanson. As characterized by the examiner, the lead 24 directly feeds capacitor 18 as the claimed ballast in series with the first lamp 6. The lead 24 also directly feeds at node 26 the capacitor 19 to junction/node 31 between lamp 6 and lamp 5, and does so in a manner electrically parallel with the series connection of lamp 6 and the ballast capacitor 18. Of particular note as well is the examiner's explanation and diagrams of the corresponding claims in the Answer at page 4, pages 5 and 6, and at pages 8 and 9 as well as at pages 10 and 11. The Reply Brief does not address these correlations to the claimed subject matter.

Each embodiment in Nathanson teaches plural fluorescent tubes in series. These plural fluorescent tubes are sequentially ignited and controlled in the same manner as disclosed. Note as to figures 1 and 2 the discussion at column 3, lines 22-30, lines 54-60, and line 68 through column 4 at line 23. A corresponding discussion exists as to figures 3 and 4 at column 6, line 65 through column 7, line 7. A corresponding discussion begins at the bottom of column 10 as to the embodiments in figures 11 and 12. Each of these embodiments in

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figures 1-2, 3-4 and 11-12 shows two fluorescent tubes in series in what Nathanson characterizes as the "condensive side." That Nathanson employs certain current-limiting capacitors in bypass (parallel) configurations does not detract from their ability to meet the structure and interconnected arrangement of the claims recited on appeal.

The discussion beginning at the bottom of page 2 of the Final Rejection addresses the substance of the "wherein" clause at the end of claim 1 on appeal which appears as well in independent claims 2, 9, 13 and 16. The artisan would well expect that the current flow through a capacitor would be negligible during normal operation of a fluorescent lamp after its ignition since most of the voltage drop available would be across the lamp alone and/or a series ballast.

In view of the foregoing, the decision of the examiner rejecting all claims on appeal under 35 U.S.C. § 102 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
)	
JOSEPH F. RUGGIERO)	APPEALS AND
Administrative Patent Judge)	
)	INTERFERENCES
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)	
MAHSHID D. SAADAT)	
Administrative Patent Judge)	

JDT:psb

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