

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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GROVER L. MILLER

Appeal No. 2006-1996
Application No. 10/459,679
Technology Center 3600

Decided: March 29, 2007

Before WILLIAM F. PATE, TERRY J. OWENS and, ANTON W. FETTING
Administrative Patent Judges.

WILLIAM F. PATE, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 1-9 and 16. Claims 10-15 stand withdrawn from consideration as directed to a non-elected invention. Claim 17 has been cancelled.

The claimed subject matter is directed to a drawer for a desk. The drawer is sized so that a laptop computer and an auxiliary keyboard can be placed therein. In the rear of the drawer are electrical and data connections for the laptop computer.

Claim 1, reproduced below, is further illustrative of the claimed subject matter.

1. An article of furniture, comprising:
a furniture housing; and

a drawer slidably mounted within said furniture housing, said drawer having a front portion and a rear portion and defining a storage area dimensioned to support at least a laptop computer and an auxiliary computer keyboard; and

said drawer rear portion including a power and data module, said power and data module having an AC power outlet and at least one of a phone and a data outlet.

The references of record relied upon by the examiner as evidence of anticipation and obviousness are:

Randolph	5,437,235	Aug. 1, 1995
Lin	5,704,698	Jan. 6, 1998
D'Souza	6,626,686	Sep. 30, 2003

Claims 1, 7 and 8 stand rejected under 35 U.S.C. § 102 as anticipated by Randolph.

Claims 1-3 and 6-8 stand rejected under 35 U.S.C. § 102 as anticipated by D'Souza.

Claims 9 and 16 stand rejected under 35 U.S.C. § 103 as obvious over Randolph.

Claims 4 and 5 stand rejected under 35 U.S.C. § 103 as unpatentable over D'Souza over Lin.

ISSUES

The following issues are before us: whether claims 1, 7 and 8 lack novelty over Randolph; whether claims 1-3 and 6-8 lack novelty over D'Souza; whether claims 9 and 16 are unpatentable over Randolph; and whether claims 4 and 5 are unpatentable over D'Souza in view of Lin.

FINDINGS OF FACT

Randolph is directed to an article of furniture called a computer workstation. The examiner directs our attention to docking station 200. As shown in Figure 22, the docking station pivots about pivot 202 so that a laptop computer 208 may be inserted therein. Afterwards, the docking station is pivoted to a vertical position wherein the laptop computer can be locked by lock 210 into a secured position.

D'Souza discloses a drawer 102 in which a laptop computer 106 may be placed. At the rear of the drawer are one or more connectors 136 which provide AC power, network connectivity, and connections to external peripheral devices such as a keyboard, an external drive, or a printer. D'Souza mentions (col. 3, ll. 45-53) that the drawer 102 is much like a pencil drawer found in conventional desks and may be provided as an integral part of the desk customized for users of portable computers.

Lin also discloses a drawer or tray which is secured to a computer desk in a retractable manner. The tray of Lin has a large upper surface which can support a large multimedia keyboard. Additionally, a lateral mouse pad is further provided. Both D'Souza and Lin teach a wrist pad for typing comfort.

PRINCIPLES OF LAW

The prior art may anticipate a claimed invention, and thereby render it non-novel, either expressly or inherently. *In re Cruciferous Sprout Litig.*, 301 F.3d

1343, 1349, 64 USPQ2d 1202, 1206 (Fed. Cir. 2002), cert. denied, 538 U.S. 907 (2003). Express anticipation occurs when the prior art expressly discloses each limitation (i.e., each element) of a claim. *Id.* In addition, [i]t is well settled that a prior art reference may anticipate when the claim limitations not expressly found in that reference are nonetheless inherent in it at *Id.* Inherency looks to whether a matter is necessarily present in the prior art; it may not be established by probabilities or possibilities. *Scaltech Inc. v. Retec/Tetra, L.L.C.*, 178 F.3d 1378, 1384 (Fed. Cir. 1999). A claimed invention may be inherently anticipated by a prior art disclosure if the claimed invention necessarily or inevitably flows from the prior art. *See, e.g., Cruciferous Sprout*, 301 F.3d at 1349; 64 USPQ2d at 1206; *Atlas Powder Co. v. Ireco Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999).

In assessing whether subject matter would have been non-obvious under § 103, the Board follows the guidance of the Supreme Court in *Graham v. John Deere Co. Kahn* at 985, 78 USPQ2d at 1335. The Board determines ““the scope and content of the prior art,”” ascertains ““the differences between the prior art and the claims at issue,”” and resolves ““the level of ordinary skill in the pertinent art.”” *Id.* (citing *Dann v. Johnston*, 425 U.S. 219, 226, 189 USPQ 257, 261 (1976)) (quoting *Graham*, 383 U.S. at 17, 148 USPQ at 467). Against this background, the Board determines whether the subject matter would have been obvious to a person of ordinary skill in the art at the time of the asserted invention. *Id.* (citing *Graham*, 383 U.S. at 17, 148 USPQ 467).

ANALYSIS

With respect to the rejections based on Randolph under either § 102 or § 103, we will not sustain these rejections. In our view it is unreasonable to regard

the docking station 200 of Randolph as a drawer. We note that the examiner has relied upon the dictionary definition of a “drawer”, but in our view the reasonable and customary meaning of the term “drawer” does not include the pivoting and locking structure shown by Randolph. In other words, a drawer translates substantially horizontally, while the docking station of Randolph merely pivots around pivot 202.

We will, however, sustain the rejections under § 102 and § 103 based on the evidence of D’Souza and D’Souza in view of Lin. We agree with the examiner that the claimed subject matter is extremely broad and all that is required is a drawer that is large enough to support a laptop computer and auxiliary computer keyboard. The claims say nothing about the arrangement or configuration of these items in the drawer, and we agree with the examiner that they could be stacked, for that matter. The claims do not specify that these supported articles be in any kind of use position.

Furthermore, with respect to the obviousness rejections, we agree with examiner that it would have been obvious to one of ordinary skill in the computer furniture art to modify the keyboard slide drawer of Lin or the drawer of D’Souza to support both the laptop computer and the auxiliary computer keyboard if such was desired. We note the teaching that typing on a laptop keyboard is sometimes uncomfortable and an auxiliary keyboard is often desired (D’Souza, col. 1, ll. 20-61). Pull out drawers are old and well known, and the idea that one might make a drawer larger to contain more articles is well known in the furniture arts. For this reason the rejection of claims 1-3 and 6-8 as anticipated by D’Souza and the rejection of claims 4 and 5 as unpatentable over D’Souza in view of Lin are affirmed.

CONCLUSIONS

The rejections of claims 1, 7 and 8 under § 102 and claims 9 and 16 under § 103 as anticipated or rendered obvious by Randolph are reversed. The rejection of claims 1-3 and 6-8 as anticipated by D'Souza is affirmed. The rejection of claims 4 and 5 as unpatentable over D'Souza in view of Lin is affirmed.

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

AFFIRMED-IN-PART

JRG

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