

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 FARZAD PARSAPOUR

Appeal 2006-2258
Application 10/170,116
Technology Center 1700

Decided: September 20, 2006

Before GARRIS, PAK, and WALTZ, *Administrative Patent Judges*.

WALTZ, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on an appeal from the Primary Examiner's Final Rejection of claims 1, 2, 4 through 8, and 10 through 13, which are the only claims pending in this application. We have jurisdiction pursuant to 35 U.S.C. § 134.

According to Appellant, the invention is directed to a method of manufacturing a color filter on a luminescent screen assembly of a color

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cathode-ray tube, where the color filter is formed between the faceplate panel and the color-emitting phosphor with the use of a photosensitive blocking layer (Br. 3-4). Claim 1 on appeal is representative of the invention and is reproduced below:

1. A method of manufacturing a color filter on a luminescent screen assembly for a color cathode-ray tube (CRT), comprising:

providing a faceplate panel having a patterned light absorbing matrix thereon defining a first set of fields, a second set of fields and a third set of fields;

forming a photosensitive blocking layer over the second set of fields and the third set of fields;

applying a first color filter to the first set of fields; and

removing the photosensitive blocking layer in the second set of fields and the third set of fields.

The Examiner has relied on the following references as evidence of unpatentability:

Haven	US 4,251,610	Feb. 17, 1981
Koike	US 5,922,395	Jul. 13, 1999
Yamato	US 6,004,724	Dec. 21, 1999

Claims 1, 2, 8, and 11 stand rejected under 35 U.S.C. § 102(b) as anticipated by Haven (Answer 2). Claims 1, 2, 5-8, and 11-13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Haven and Koike (Answer 4). Claims 4 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Haven in view of Yamato (Answer 7) or Haven and Koike in view of

Yamato (Answer 8). Based on the totality of the record, we AFFIRM all rejections on appeal based on § 103(a) essentially for the reasons stated in the Answer, as well as those reasons set forth below. We REVERSE the rejection on appeal based on § 102(b). Therefore the decision of the Examiner is AFFIRMED.

OPINION

A. The Rejection under § 102(b)

The Examiner finds that Haven describes a method of manufacturing a color filter on a luminescent screen assembly for a color cathode ray tube, including the steps of providing a faceplate panel having a patterned light absorbing matrix which defines a first, second, and third set of fields, forming a photosensitive blocking layer over the second and third set of fields, applying a first color filter (blue phosphor) layer to the first set of fields, and removing the photosensitive blocking layer (Answer 3, specifically citing column and line in Haven for each step as required for claims 1 and 2 on appeal).

Appellant argues that Haven does not describe or suggest a method in which the color filter is formed between the faceplate panel and the color emitting phosphors (Br. 6). The Examiner states that this limitation is not required by the claims in this rejection (Answer 4 and 8). The Examiner considers the materials of Haven to be red, green and blue, even if they are phosphors, but the Examiner finds that these phosphors read on “color

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filters” since they “must to some extent filter light passing through the layers according to the colors of the layers” (Answer 8).

Implicit in our review of the Examiner’s rejection for anticipation is that the claim must first be correctly construed to define the scope and meaning of any contested limitations. *See Gechter v. Davidson*, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997). Accordingly, we first construe “color filter” to determine if this claimed term includes the red, green, and blue phosphor layers disclosed by Haven.

The best guide for determining the meaning of any contested term is usually the specification. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005) (en banc). Appellant’s specification teaches that color filters were known in the art as a material which “transmits light that is within the emission spectral region of the phosphor formed thereon and absorbs ambient light in other spectral regions, providing a gain in color contrast” (Specification 1:[0004]). If, as contended by the Examiner, phosphors were within the scope of the term “color filter,” there would be no gain in color contrast with the filter being the same material as the phosphor. Therefore we cannot accept the Examiner’s claim construction since it would include materials which fail to meet the definition of “color filter.”

For the foregoing reasons, we determine that the Examiner has failed to establish a *prima facie* case of anticipation of claims 1, 2, 8, and 11.

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Therefore we REVERSE the rejection of claims 1, 2, 8, and 11 under § 102(b) over Haven.

B. The Rejections under § 103(a)

The Examiner applies Haven as discussed above (Answer 4). The examiner has construed claims 5 and 12 as requiring an arrangement where a color filter is deposited between the faceplate panel and the phosphor layer (Answer 4, “EXAMINER’S NOTE”). The Examiner recognizes that Haven does not disclose or suggest such an arrangement (*id.*). Therefore the Examiner applies Koike for the teaching of a similar method of making a phosphor screen on a faceplate having a light-absorbing matrix, where a pigmented layer is placed between each color phosphor and the screen to improve the color purity (*id.*). From these findings, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of Appellant’s invention to have deposited the color filter of Koike between the faceplate and phosphor in the method of Haven to improve the purity of the transmitted color (Answer 4-5). With regard to the rejection of claims 4 and 10, the Examiner additionally applies Yamato as evidence that fillers were conventional additives for use in positive photoresists, such as the photoresist taught by Haven (Answer 7).

Appellant presents the same arguments against Haven as discussed above (Br. 8-9). However, these arguments are not persuasive since Koike provides the motivation (improved color purity) to modify the method taught by Haven. We also note that Appellant admits that it was known in the art to

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form color filter layers between the faceplate panel and the color-emitting phosphor in order to enhance the color contrast of the luminescent screen (Specification 1:[0004]). Appellant also argues that Koike “teaches away” from the claimed method since this reference forms color filters without the need for photosensitive blocking layers (Br. 10). This argument is also not persuasive. The Examiner acknowledges that Koike does not teach depositing the color filter layers while using a photosensitive blocking layer (Answer 4 and 9). However, the Examiner has applied Haven for the teaching of using a photosensitive blocking layer to minimize phosphor contamination and thus Koike is not relied upon to show this claimed limitation (Answer 4; see Haven, abstract and col. 3, ll. 59-66).

Appellant argues that Yamato “only describes photoinitiators including additives” (Br. 18). However, Appellant does not contest the Examiner’s finding that Yamato teaches that fillers were conventional in the art (Answer 7). We also note that Appellant has not contested the Examiner’s “official notice” regarding the art recognition that colors, filters and/or phosphor screens can be applied in any order (Answer 6-7).

For the foregoing reasons and those stated in the Answer, we determine that the Examiner has established a *prima facie* case of obviousness in view of the reference evidence. Based on the totality of the record, including due consideration of Appellant’s arguments, we determine that the preponderance of evidence weighs most heavily in favor of

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obviousness within the meaning of § 103(a). Therefore we AFFIRM all rejections on appeal based on § 103(a).

C. Summary

The rejection of claims 1, 2, 8, and 11 under 35 U.S.C. § 102(b) over Haven is REVERSED. The rejection of claims 1, 2, 5-8, and 11-13 under 35 U.S.C. § 103(a) over Haven and Koike is AFFIRMED. The rejections of claims 4 and 10 under 35 U.S.C. § 103(a) over Haven in view of Yamato or Haven and Koike in view of Yamato are AFFIRMED. Therefore, the decision of the Examiner is AFFIRMED.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

clj

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