

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MARCEL JOHAN EIJSACKERS,  
BERNARD KLEINE, KATJA PETER,  
AND WERNER WITTKE

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Appeal 2006-2751  
Application 10/205,090  
Technology Center 2800

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Decided: June 13, 2007

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Before JAMES D. THOMAS, KENNETH W. HAIRSTON,  
and JOSEPH F. RUGGIERO, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellants have requested a rehearing of our decision dated November 20, 2006, wherein we affirmed the obviousness rejection of claim 1 based on the teachings of Miura considered alone, and affirmed the

obviousness rejections of claims 2 to 12 and 14 to 26 because Appellants did not present any patentability arguments for these claims apart from the arguments presented for claim 1.

Appellants now argue (Request 3):

The “keyboard” disclosed by Miura, which is used to enter instructions for the microscope, is different and separate from the “key group 33,” which is included on manipulating panel 48. The “keyboard” is indicated as not shown while “key group 33” is clearly shown and labeled in Fig. 1. The “keyboard” is nowhere disclosed to be part of the panel 48. Thus the panel 48 of Miura does not in fact independently and concurrently perform both a microscope function and a manipulator function.

Although the keyboard is not shown in Figure 7, Miura expressly states that the “instructions and settings may be entered into the control unit 26 via the keyboard” (col. 14, ll. 56 to 59). Thus, we still maintain that it would have been obvious to the skilled artisan to enter the same instructions via the keyboard 33 in Figure 1 of Miura.

Appellants’ request for rehearing has been granted to the extent that our decision has been reconsidered, but such request is denied with respect to making any modifications to the decision.

Appeal 2006-2751  
Application 10/205,090

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).

REHEARING  
DENIED

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