

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 RICHARD E. HUBER

Appeal No. 2006-3016
Application No. 10/212,240

HEARD: December 12, 2006

Before HAIRSTON, DIXON, and SAADAT, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-24, which are all of the claims pending in this application. The Examiner indicates claims 7-10 and 18-20 as allowable (Answer 2), which leaves only the rejection of claims 1-6, 11-17 and 21-24 to be considered by this panel.

We affirm.

I. BACKGROUND

Appellant's invention relates to projection televisions having a flat front panel that eliminates the need for a bezel frame and reduces assembly complexities and the number of parts required for the assembly. An understanding of the invention can be derived from a reading of exemplary independent claim 1, which is reproduced as follows:

1. In a projection television assembly comprising a cabinet structure, a screen assembly including:

a front screen panel having a front face and a rear face, said screen panel being generally fair with said front face substantially coextensive to and parallel to said rear face;

a lenticular screen having a front face and a rear face, said front face being disposed in generally parallel facing relation to said near face of said screen panel;

a Fresnel screen having a front face disposed in opposed facing relation to said rear face of said lenticular screen;

a plurality of fasteners projecting rearwardly, directly from said screen panel, and secured directly to said cabinet structure, thereby to dispose said lenticular lens and said Fresnel lens between said screen panel and said cabinet.

The Examiner relies on the following prior art references:

Scheve	US 4,715,137	Dec. 29, 1987
Yamada	US 5,580,145	Dec. 3, 1996
Takiguchi	US 5,818,545	Oct. 6, 1998
Mitani	US 5,914,809	Jun. 22, 1999

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Schrock	US 5,923,908	Jul. 13, 1999
Whitelaw	US 6,157,416	Dec. 5, 2000

Appellant's admitted prior art (AAPA), Figure 1, pages 1-2 of the Specification.

Claims 1, 11, 14 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mitani.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitani in combination with AAPA.

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitani in combination with Scheve.

Claims 5, 16, 17, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitani in combination with Whitelaw.

Claims 6 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitani in combination with Yamada.

Claims 12 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitani in combination with Schrock.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitani and Schrock in combination with Takiguchi.

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Rather than reiterate the opposing arguments, we refer to the Brief and the Answer for the respective positions of Appellant and the Examiner. Only those arguments actually made by Appellant have been considered in this decision. Arguments which Appellant could have made but chose not to make in the brief have not been considered (37 CFR § 41.37(c)(1)(vii)).

OPINION

Regarding 35 U.S.C. § 102 rejection of claim 1, Appellant's position is that the screen panel shown in Figure 7b of Mitani is not generally flat as claimed and does not comprise a plurality of fasteners projecting rearwardly from a flat screen (Br. 10). Appellant points out that the edge walls of the front screen in Mitani cannot be ignored as they truncate the rear surface and prevent it from being coextensive with the front face of the screen panel (Br. 11). In response, the Examiner argues that the claims do not preclude the fasteners being integrally formed with the front wall of the screen (Answer 15) while the terms "generally flat" and "substantially coextensive" merely require less than 100 percent flat and coextensive (Answer 16). The Examiner concludes that even with the edge walls, the remaining part of the screen panel in Mitani is generally flat with its front face

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substantially coextensive to its rear face where the fasteners project rearwardly (*id.*).

A rejection for anticipation requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. *See Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1946-47 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), it is only necessary for the claims to ““read on’ something disclosed in the prior art reference, i.e., all limitations of the claim are found in the reference, or ‘fully met’ by it.” *See also Atlas Powder Co. v. IRECO Inc.*, 190 F.3d at 1346, 51 USPQ2d at 1945 (Fed. Cir. 1999) (quoting *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 781, 227 USPQ 773, 778 (Fed. Cir. 1985)).

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In determining the subject matter encompassed by claim 1, we agree with the Examiner that the claim merely requires the screen panel be generally flat with the front face substantially coextensive to its rear face. However, Mitani does show panel 2 which, although is shaped as a box by short sidewalls (Mitani, Figures 7b and 8b; col. 7, ll. 4-7), is generally flat and has substantially coextensive front and rear faces. Mitani also shows a plurality of fasteners 13 and 27 for mounting the two lenses between the front panel and the cabinet main body, which are provided at the edge of the front panel and project rearwardly from the screen panel (Mitani, col. 7, ll. 8-10).

We also remain unconvinced by Appellant's argument that because the edge walls truncate the rear face, it cannot be coextensive with the front face (Br. 11). As pointed out by the Examiner, the presence of the edge walls does not preclude the front face being substantially coextensive to the rear face or the fasteners projecting rearwardly from panel 2 of Mitani (Answer 16). Accordingly, the 35 U.S.C. § 102(b) rejection of claims 1, 11, 14 and 21 over Mitani is sustained.

35 U.S.C. § 103 rejection of the claims

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With respect to claim 2, Appellant argues (Br. 12) that the AAPA refers only to clear or slightly tinted acrylic. Appellant further points out that the Examiner has not shown any suggestion for using glass in Mitani (*id.*). The Examiner relies on pages 1-2 of Appellant's Specification and asserts that the advantages of using a glass protective screen would have made the modification obvious to one of ordinary skill in the art (Answer 18).

A review of Mitani also reveals that a glass or plastic panel, disposed in front of the lens layers, lowers the light permeably on the front surface and protects the sensitive lens layers (Mitani, col. 1, ll. 5-13). Although Mitani already describes using glass panel 69 (Figure 11), its combination with AAPA is proper as they both describe the benefits of using a glass front panel. Obviousness from [prior art reference] would follow, *ipso facto*, if [prior art reference] anticipates.

See RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1446, 221 USPQ 385, 390 (Fed. Cir. 1984), *citing In re Kalm*, 378 F.2d 959, 962, 154 USPQ 10, 12 (CCPA 1967), (anticipation stated as being the "epitome of obviousness"). Accordingly, we also sustain the 35 U.S.C. § 103 rejection of claim 2.

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Regarding the 35 U.S.C. § 103 rejection of claims 3 and 4, Appellant merely relies on the same arguments presented for base claim 1 (Br. 13). For the same reasons stated above, we sustain the 35 U.S.C. § 103 rejection of claims 3 and 4 over Mitani and Scheve.

Turning now to the 35 U.S.C. § 103 rejection of claims 5, 16, 17, 23, and 24, we note that Appellant's arguments focus on what the claimed front screen cannot include, such as integral tabs or fasteners (oral hearing; Br. 14). The Examiner apparently takes tabs 30 of Whitelaw as parts of viewing screen 12 (Answer 19) wherein screw-like fasteners connect the front screen to the frame (Whitelaw, Fig. 5A, col. 5, ll. 7-12). Based on the breadth of the claimed subject matter we discussed above, we find that tabs 30 or similar extensions are integral parts of the front screen in Whitelaw. Thus, we agree with the Examiner's reasoning that one of ordinary skill in the art would have found it obvious to use fasteners inserted in the apertures in front screen tabs of Whitelaw for connecting the front screen to the cabinet. Accordingly, the 35 U.S.C. § 103 rejection of claims 5, 16, 17, 23 and 24 over Mitani and Whitelaw is sustained.

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Regarding the 35 U.S.C. § 103 rejection of claims 12 and 22 over Mitani and Schrock, Appellant asserts that the touch controls disclosed by Schrock are in an entirely different assembly and cannot be combined with Mitani (Br. 16). We agree with the Examiner (Answer 20-21) that the principles of operation of touch sensitive controls in a camera, as disclosed by Schrock, are applicable to other devices such as a television since similar functions are intended. Therefore, we sustain the 35 U.S.C. § 103 rejection of claims 12 and 22 over Mitani and Schrock.

Lastly, turning to the rejection of the remaining claims over various combinations of Mitani with Yamada, Schrock and Takiguchi, we note that Appellant relies on similar arguments presented above with respect to claim 1. We sustain these rejections as well. Since we agree with the Examiner, as previously discussed, that Mitani can be reasonably interpreted as providing the claimed front screen, we find no error in the Examiner's finding of obviousness as taught by the combination of Mitani with Yamada, Schrock or Takiguchi. Accordingly, we sustain the 35 U.S.C. § 103 rejection of claims 6 and 15 over Mitani and Yamada, as well as the 35 U.S.C. § 103 rejection of claim 13 over Mitani, Schrock and Takiguchi.

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

CONCLUSION

In view of the forgoing, the decision of the Examiner rejecting claims 1, 11, 14 and 21 under 35 U.S.C. § 102 and rejecting claims 2-6, 12, 13, 15-17 and 21-24 under 35 U.S.C. § 103 is affirmed

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

AFFIRMED

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