

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 JUNJI ISHIGAKI*

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Appeal 2007-0664  
Application 09/794,420  
Technology Center 2600

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Decided: April 17, 2007

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Before JAMES D. THOMAS, JOHN C. MARTIN, and JAY P. LUCAS,  
*Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 10 through 15 and 19. We have jurisdiction under 35 U.S.C. §§ 6(b), 134(a).

Representative claim 10 is reproduced below:

10. A composite screen setting method for a portable telephone for enabling a user to select a screen to be displayed in a standby mode, the method comprising the steps of:

setting an operation into a screen selection mode;

selecting a foreground screen and a background screen from among a plurality of screens;

superposing the foreground screen and the background screen on each other for display as a composite screen;

wherein the background screen is image data down loaded from a site or a URL and the foreground screen is previously stored image data.

The following references are relied by the Examiner:

Smith	US 6,084,951	Jul. 4, 2000 (Filed April 23, 1997)
Suso	US 6,466,202 B1	Oct. 15, 2002 (Filed February 23, 2000)

Claims 10 through 15 and 19 stand rejected under 35 U.S.C. § 103.

As evidence of obviousness, the Examiner relies upon Smith in view of Suso.

Rather than repeat the positions of the Appellant and the Examiner, reference is made to the Brief and Reply Brief for the Appellant's positions, and to the Answer for the Examiner's positions.

## OPINION

We affirm.

Appellant presents arguments as to independent claims 10 and 11 collectively and separately argues dependent claim 13. No other claim on appeal has been argued.

Contrary to the Examiner's view expressed in the Answer, we find that the argued feature of "superposing the foreground screen and the background screen on each other for display as a composite screen" is reasonably taught or suggested to the artisan within Smith alone. Pertinent figures of this reference for our consideration include figures 3 through 11 and 19 through 21. The Electronic Business Card (EBC) in Smith utilizes icons to associate telephone numbers with individuals and locations as shown initially in figure 6. The manner in which a new EBC is created is shown in figure 7 with corresponding displays in the various parts of figure 8. Not only is various numeric information entered onto the display of a blank EBC as element 820 in figure 8B, an icon select button 832 in figure 8C permits the selection of various icons 841 in figure 8D to be placed thereon. At least in these respects then there is a composite image that is form of what the artisan would well consider to be background and foreground screen information to form a composite image such as that represented the parts of figure 11.

Various types and categories of icons are shown in figure 9, to include the ability to customize icons at the bottom of figure 9. The editing screen 1010 shown in Figure 10 in part permits an icon edit capability to include

the ability to erase and draw icons in the regions labeled 1014. The discussion of figure 6 beginning at the bottom of column 6 at least through the discussion in the top third of column 8 is pertinent to the nature of the manner in which these screens and composite screens are achieved in Smith. The ability of the user to otherwise draw or write or compose a custom icon permits the ability of overlaying information on the background of a blank EBC. A composite screen, as claimed, does not require that both a background and foreground screen cover one or the other or do so completely. Although it may be interpreted that the word “superposing” requires an overlay functionality, it is clear that this capability is taught and shown in Smith. This ability is further amplified in the showings in figures 19 through 21 and their corresponding teachings at columns 11 and 12 of Smith. The drag and drop capability illustrated and discussed here permits an overlaying capability corresponding to the claimed superposing for while the icon moves it overlays the background.

In these respects then we do not agree with Appellant’s view expressed in the Brief and Reply Brief that even if Smith and Suso were combined, the noted clause would not have been taught or suggested within the art. It is thus apparent as well that the additional argument that it would not have been obvious to have combined the teachings of Suso to Smith is equally obviated since we consider Suso to be merely cumulative to the teachings already discussed earlier with respect to Smith alone.

As the Examiner has noted with respect to Suso, there are explicit teachings of superposing what the artisan may well consider to be foreground and background images to yield a composite screen image. The

separate screens 10 and 11 of Suso permit this as relied upon by the Examiner and the parts of figure 2. Moreover, within a single screen 11 there are clearly shown in figure 3b a plurality of images placed upon the background image as well. Corresponding renderings are shown in the various parts of figures 5 through 8 of Suso. In any event, the artisan would well appreciate that Suso's teachings expand upon and embellish Smith's teachings of overlaying images in background and foreground formats to achieve a composite screen by superposing them. In these respects then, it clearly would have been obvious for the artisan to have combined the teachings of both references as well.

Lastly, the features of dependent claim 13 are argued by Appellant. This claim requires that the display of a background screen be degraded such that the degradation of the image data is lowered one level. Once again, it appears clear to us that the artisan would have well appreciated that with respect to the teachings associated with figure 10 of Smith, the discussion at column 8, lines 4 through 9, clearly would have indicated the ability of the artisan to choose to degrade an image by use of the erase button 1011 or draw button 1012 such that the user may turn off or on selectively each bit of an icon image simply by touching each block of the icon shown within the editing screen 1010. Thus, choosing fewer pixels as the Examiner expresses at page 6 of the Answer degrades the image of either the foreground or background images according to the teachings in Smith. Appellant's argument at the bottom of page 7 of the principal Brief on appeal and at page 5 of the Reply Brief that degradation is intended to mean changing the contrast among levels of tone or shade of the image is not supported by the

claim language itself or the disclosure. Even as disclosed and claimed there is no explanation of what lowering one level is to mean in the context of degrading an image, as also addressed by the Examiner at page 6 of the Answer. The artisan may well consider, then, that turning off every third pixel would degrade the image one level to the extent claimed.

In view of the foregoing, the decision of the Examiner rejecting all claims on appeal 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). See 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

PGC

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