

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 DONALD J. STAVELY,
MARK J. BIANCHI, DAVID K. CAMPBELL,
AMY E. BATTLES, and HEATHER NOEL BEAN

Appeal 2007-0831
Application 10/417,656
Technology Center 2600

Decided: May 30, 2007

Before KENNETH W. HAIRSTON, JOHN C. MARTIN,
and LANCE LEONARD BARRY, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1 to 24. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants have invented a method and apparatus for displaying a reduced-pixel, whole image that comprises fewer active pixels than an original, complete image that can be displayed on the display (Specification 2). The reduced-pixel, whole image is displayed to conserve power (Specification 11).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A method for controlling a display, comprising:

monitoring the state of a computing device associated with the display;

determining if pixel reduction is warranted in view of the monitoring;
and

if pixel reduction is warranted, displaying a reduced-pixel, whole image that comprises fewer active pixels than an original, complete image previously presented in the display.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Smith	US 5,167,024	Nov. 24, 1992
Chee	US 5,886,689	Mar. 23, 1999
Ranganathan	US 6,801,811 B2	Oct. 5, 2004 (filed Dec. 27, 2001)

The Examiner rejected claims 1 to 7, 9, 10, 12 to 19 and 21 to 24 under 35 U.S.C. § 103(a) based upon the teachings of Smith and Ranganathan, and the Examiner rejected claims 8, 11 and 20 under 35 U.S.C. § 103(a) based upon the teachings of Smith, Ranganathan and Chee.

Appellants contend that the motivation or suggestion to combine the teachings of Smith and Ranganathan comes not from the references but from Appellants' own disclosure (Br. 8; Reply Br. 2).

We will sustain the obviousness rejections of claims 1 to 24.

ISSUES

1. Did the Examiner resort to impermissible hindsight reconstruction to demonstrate the obviousness of the claimed subject matter?
2. Do the references teach reducing the resolution of an entire image?

FINDINGS OF FACT

Appellants describe a system and method for “monitoring the state of a computing device associated with the display, determining if pixel reduction is warranted in view of the monitoring, and, if pixel reduction is warranted, displaying a reduced-pixel, whole image that comprises fewer active pixels than an original, complete image previously presented in the display” (Specification 2). According to Appellants, “displaying reduced pixel images is advantageous not only from a power conservation standpoint but also from a user feedback standpoint” (Specification 11).

Smith recognizes the power requirements of a display screen on a portable computing device, and describes a power management scheme to conserve battery power (col. 2, ll. 7 to 36). Smith is silent as to “displaying a reduced-pixel, whole image that comprises fewer active pixels than an original, complete image previously presented in the display.”

Ranganathan, like Smith, is directed to “energy savings in computer displays and particularly to energy savings in displays of mobile computing systems” (col. 1, ll. 7 to 9). Ranganathan states in the “Background of the Invention”:

Another example involves reducing the number of pixels to consume less energy. Fonts, icons and graphics can be designed to minimize the number of pixels. With reduced font size the number of pixels to be turned on can be smaller. However, this approach can impact readability.

(Col. 1, l. 66 to col. 2, l. 3.)

The Examiner contends “it would have been obvious to a person of ordinary skill in the art to modify the method of controlling a display taught by SMITH, such that power conservation means includes pixel reduction by displaying a reduced-pixel, whole image that comprises fewer active pixels than an original, complete image previously presented in the display, as taught/suggested by Ranganathan” (Answer 4). “The suggestion/motivation for doing so would have been for consuming less energy (RANGANATHAN: column 1, line 66 - column 2, line 3)” (Answer 4).

PRINCIPLES OF LAW

“Obviousness is tested by ‘what the combined teachings of the references would have suggested to those of ordinary skill in the art.’” *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988).

“Any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper." *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

"All the disclosures in a reference must be evaluated, including nonpreferred embodiments," in an obviousness determination. *In re Mills*, 470 F.2d 649, 651, 176 USPQ 196, 198 (CCPA 1972).

Our reviewing court has stated that "limitations from the specification must not be imported into the claims." *Nazomi Communications, Inc. v. ARM Holdings, PLC*, 403 F.3d 1364, 1368, 74 USPQ2d 1458, 1461 (Fed. Cir. 2005). Reading a claim in the light of the specification to interpret broadly worded limitations explicitly recited in the claim is a quite different thing from reading limitations of the specification into a claim to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. *In re Prater*, 415 F.2d 1393, 1405, 162 USPQ 541, 551 (CCPA 1969).

ANALYSIS

In view of Smith's recognition that the display screen adds to the power consumption in a portable computing device, and Ranganathan's teaching that power to the display can be reduced by reducing the number of pixels that are turned on in the display screen, we agree with the Examiner's finding that it would have been obvious to the skilled artisan to modify Smith's display so that only a reduced number of pixels are turned on for improved power consumption in the portable computing device. The Examiner did not have to turn to Appellants' disclosure to demonstrate the obviousness of the claimed subject matter (Reply Br. 2).

Appellants' argument (Reply Br. 3) that "Ranganathan explicitly identifies that the implications of pixel reduction are a problem in the Background of the Invention section of the patent, and then goes on to describe a solution that does not suffer from that problem" is without merit because it is abundantly clear from the rejection that the Examiner is relying solely on the admitted prior art in Ranganathan. As indicated *supra*, all of the disclosures in a reference must be fairly evaluated for what they would have suggested to the skilled artisan. If power reduction at the display is the primary goal, then the skilled artisan would have known from the admitted prior art in Ranganathan to use pixel reduction. On the other hand, if higher resolution is the primary goal, then the skilled artisan would have known to avoid the admitted prior art approach taught by Ranganathan because pixel reduction would reduce the resolution of the display. In any event, Appellants' argument (Reply Br. 3 and 4) that Ranganathan "*expressly teaches away* from the pixel reduction" is without merit in view of the teachings found in the Background of the Invention in Ranganathan. Based upon the teachings in the Background of Ranganathan, a font of reduced size in the whole display requires fewer active pixels than a full-sized font previously presented in the whole display. Displaying the "whole image" in reduced-pixel form does not require more than only reducing the size of some discrete text, as argued by Appellants (Reply Br. 5).

With respect to Appellants' argument (Reply Br. 4 and 5) that "the Examiner is not giving weight to the plain and ordinary meaning of Applicant's claims as interpreted by Applicant's Specification, which clearly describes and illustrates what such pixel reduction comprises," we hereby

Appeal 2007-0831
Application 10/417,656

decline Appellants' invitation to read limitations from the disclosure into the claims.

CONCLUSION OF LAW

The obviousness of the claimed subject matter has been demonstrated by the Examiner. The Examiner did not have to resort to impermissible hindsight to demonstrate the prima facie obviousness of claims 1 to 24.

DECISION

The obviousness rejections of claims 1 to 24 are 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

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