The opinion in support of the decision being entered today is
not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ICHIRO MASUI, KATSUNORI OGAWA, and KENICHI SAKAI

Appeal 2007-1705
Application 10/508,629
Technology Center 2800

Decided: August 23, 2007

Before JAMES D. THOMAS, LEE E. BARRETT,
and JOSEPH L. DIXON, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 1 through 5, and 7. We have jurisdiction under 35 U.S.C. § § 6(b) and 134(a).

We affirm.

As best representative of the disclosed and claimed invention, independent claim 1 is reproduced below:

1. An electronic apparatus that can be connected to another electronic apparatus via a cable, the electronic apparatus comprising:

first switching means for switching between first electric power of the electronic apparatus and second electric power supplied from the another electronic apparatus via the cable, and supplying either the first electric power or the second electric power to a first power supply line;

second switching means for switching from the first electric power to the second electric power and supplying the second electric power to a second power supply line when the second electric power is supplied from the another electronic apparatus;

determining means for determining whether the second electric power supplied from the another electronic apparatus is less than or equal to a predetermined threshold value; and

controlling means for controlling the first switching means based on a result of determination by the determining means;

converting means for converting a power supply voltage into voltage of a constant level determined by a regulator and utilized by a power controller, a real-time clock and an interrupt controller.

The following references are relied upon by the Examiner:

Kondo	US 6,151,652	Nov. 21, 2000
Takahashi	US 6,580,460 B1	Jun. 17, 2003 (filed February 26, 1998)

Claims 1 through 5, and 7 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Takahashi in view of Kondo.

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

OPINION

For the reasons set forth by the Examiner in the Answer, as expanded upon here, we sustain the rejection of all claims on appeal under 35 U.S.C. § 103. Appellants argue independent claims 1 and 7 collectively and no arguments are presented before us as to claims 2 through 5. Therefore, any arguments that could have been made with respect to these claims have been waived.

Correspondingly, the Brief does not argue that Takahashi and Kondo would not have been properly combinable within 35 U.S.C. § 103 and does not take issue with the Examiner's correlation from Takahashi as to the majority of the claimed elements in representative independent claim 1 on appeal. It is also worthy of note here that Appellants have not challenged the Examiner's reliance upon inherency expressed in the Statement of the Rejection at page 4 of the Answer as to Takahashi's teachings. Therefore, any arguments that could have been made with respect to these issues have also been waived.

The issue before us is whether the teachings in Kondo meet the limitations of the converting means clause in representative independent claim 1 on appeal. Additionally, Appellants assert at page 7 of the Brief that a constant voltage circuit as claimed is completely different than a regulator converting a power supply voltage into a constant voltage level as set forth in the converting means clause of claim 1 on appeal. It is noted that there is

no positive recitation of a regulator converting a power supply voltage in independent claim 1 on appeal notwithstanding Appellants urging to that effect in the Brief. The converting means clause merely includes a passively recited regulator.

In reaching our decision to affirm the rejection, we agree with the Examiner's views that Kondo does teach this claimed feature expressed by the Examiner in the Answer in the Statement of the Rejection beginning at page 3 of the Answer along with the Examiner's expanded Responsive Arguments beginning at page 10 of the Answer. Various embodiments in the early figures of Kondo teach a power supply control circuit 14, the details of which are set forth in figure 8 which are discussed in pertinent part at column 5, lines 53 through 62. The description of this figure makes clear to the reader that the constant voltage circuit 142 performs a function of converting power selected by the switching circuit 141 into a given or constant voltage which is then supplied to various circuits such as those in the figure 1 embodiment, for example, as illustrated to the left of figure 8. Thus, the artisan would well appreciate that the function of the converting means clause not only converts a voltage but it maintains a constant voltage as well according to the constant voltage level determined by the passively recited regulator. This is further explained by the Examiner at pages 11 and 12 of the Answer. To the extent a regulator/converting means is recited in the claims as argued by Appellants at page 7 of the Brief, the Examiner addresses these capabilities, and it is apparent to us that the artisan would have appreciated that the regulator/converting means is met by the dual functions of the constant voltage circuit 142 in figure 8 of Kondo.

Lastly, we observe that the Responsive Arguments of the Examiner beginning at page 12 of the Answer have not been challenged or otherwise traversed by Appellants in the Reply Brief. Moreover, the Reply Brief merely repeats the same arguments already presented in the principal Brief on appeal.

In view of the forgoing, the decision of the Examiner rejecting claims 1 through 5, and 7 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 C.F.R. §1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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