

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEVIN L. MASSARO and STACY L. WOLFF

Appeal 2007-2102
Application 09/594,308
Technology Center 2100

Decided: January 18, 2008

Before JOSEPH L. DIXON, ROBERT E. NAPPI, and JAY P. LUCAS,
Administrative Patent Judges.

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-9, 11-16, and 18-24. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

BACKGROUND

Appellants' invention relates to a method and apparatus for coordinating display elements with the structure of a computer system. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A method of displaying computers, comprising:

providing a plurality of computers, each with a video display design and having an interchangeable panel chosen from a plurality of panels installed on a housing, the plurality of panels each having a distinct visual design scheme;

correlating the distinct visual design schemes of the plurality of interchangeable panels and the video display designs of the plurality of computers such that they create an integrated design scheme; and

displaying the plurality of computers in the same place; so that the integrated design scheme is observable by individuals.

PRIOR ART

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

André	5,870,282	Feb. 9, 1999
Selig	6,492,978 B1	Dec. 10, 2002
Glaser	6,392,671 B1	May 21, 2002

PC Magazine, Vol. 15, No. 11 (June 11, 1996)

REJECTIONS

Claims 1-9, 11-16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser in view of André and further in view of PC Magazine.

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser in view of André and PC Magazine as applied to claims 1-22 above, and further in view of Selig.

Rather than reiterate the conflicting viewpoints advanced by the Examiner and the Appellants regarding the above-noted rejections, we make reference to the Examiner's Answer (mailed Jun. 2, 2006) for the reasoning in support of the rejections, and to Appellants' Brief (filed Mar. 13, 2006) and Reply Brief (filed Jun. 23, 2005) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to Appellants' Specification and claims, to the applied prior art references, and to the respective positions articulated by Appellants and the Examiner. As a consequence of our review, we make the determinations that follow.

35 U.S.C. § 103

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). “[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of

presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Furthermore,

“[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” . . . however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.

KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741 (2007)(quoting *In re Kahn*, 441 F.3d 977, 988, (Fed. Cir. 2006)).

The present invention generally relates to a business method for configuring a computer screen such that the screen displays a pattern that is complementary to the design of various components of a computing system (Spec. 1). The system uses multiple interchangeable panels or sets of matching panels that can be installed on components of the computing system such as the central processing unit and video display. The system and method provide logic to detect a particular panel or set of panels and retrieve and display the corresponding wallpaper or screensaver on the video display (Spec. 2).

Appellants argue that the Glaser reference fails to disclose an interchangeable panel, much less an interchangeable panel that is installed on a computer as recited in independent claims 1, 8, and 16. Appellants argue that in contrast, Glaser merely discloses a peripheral that is connected to a computer system in column 3, lines 24-25 (Br. 8). Additionally, Appellants provide dictionary definitions of “peripheral” and “panel” on page 8 of the Brief and provide a reasoned conclusion that a peripheral does not comprise items such as panels (Br. 8). We agree with Appellants’

reasoned conclusion that a peripheral does not teach or fairly suggest a panel installed on a computer.

Appellants argue that the Examiner has not provided any persuasive motivation or suggestion to combine the teachings of André and Glaser (Br. 9). We agree with Appellants' contention that the Examiner's subjective assertion for the combination of André's replaceable panels for cosmetic or functional individuality would not have taught or fairly suggested the invention as recited in independent claims 1, 8, and 16 (Br. 9). Additionally, we agree with Appellants' contention that the further combination with PC Magazine for the correlating of distinct visual design schemes for a plurality of computers in the same place would not obviate the above-noted deficiencies in Glaser and André. Appellants additionally argue that there is "simply no reason other than hindsight gained from the present invention to combine the cited references to 'create an integrated design scheme'" (Br. 10). We agree with the Appellants and find that the Examiner has not made a convincing showing for the combined teachings of Glaser, André, and PC Magazine to teach or fairly suggest the invention as recited in independent claims 1, 8, and 16. Therefore, we cannot sustain the rejection of independent claims 1, 8, and 16 and their respective dependent claims 2-7, 9, 11-15, and 18-22.

With respect to dependent claims 23 and 24, the Examiner has not identified how, and we do not find that the teachings of Selig remedy the deficiencies in the combined teachings of Glaser, André, and PC Magazine. Therefore, we cannot sustain the rejection of dependent claims 23 and 24.

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CONCLUSION

To summarize, we have sustained the rejection of claims 1-9, 11-16, and 18-24 under 35 U.S.C. § 103(a).

REVERSED

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