

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DAVID J. HERNANDEZ, PEDRO M. ALFONSO,  
BRADLEY JACKSON, and KENNETH MUSGRAVE

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Appeal 2008-1307  
Application 10/760,818  
Technology Center 3600

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Decided: June 9, 2008

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Before TERRY J. OWENS, MURRIEL E. CRAWFORD, and  
STEVEN D.A. McCARTHY, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellants appeal from a rejection of claims 1, 3, 6-10, 17 and 18. Claims 2, 4, 5, 15, 16, 19 and 20 have been canceled, and claims 11-14 stand objected to as dependent from a rejected claim but allowable if rewritten in independent form.

## THE INVENTION

The Appellants claim a product badge alignment system and method.

Claims 1, 8 and 17 are illustrative:

1. An information handling system comprising:

a housing having an outer surface;

processing components disposed within the housing and operable to process information;

a product badge having product information; and

a product badge support coupled to the housing and supporting the product badge for display at the outer surface of the housing at plural user-selectable orientations;

wherein the product badge support comprises:

a pushrod having a first end that supports the product badge and a second end forming a cam;

a product badge support housing having an opening disposed to accept the pushrod, the opening having an opposing cam aligned to engage the pushrod cam; and

a spring disposed between the product badge and the product badge support housing, the spring aligned to bias the push rod out of the product badge support housing;

wherein pressing the product badge engages the pushrod and product badge support housing cams to turn the product badge.

8. A method for selecting the orientation of a display of product information on a product, the method comprising:

coupling a product badge to the product, the product badge displaying the product information at a first badge orientation associated with a first product orientation;

resting the product in a second product orientation offset from the first product orientation; and

manually activating the product badge to select display of the product information at a second badge orientation, the second badge orientation associated with the second product orientation.

17. A system for aligning the orientation of a product badge coupled to a surface of a product with an upright orientation of the product, the system comprising:

a product badge having a product logo surface depicting a product logo having an upright orientation; and

a product badge support operable to fixedly couple to the product, the product badge support rotationally coupling with the product badge to display the product logo at the product surface, the product badge support further operable to accept manual activation that rotates the product badge to align the upright orientation with the upright orientation of the product.

#### THE REFERENCE

Delgado

US 4,300,525

Nov. 17, 1981

## THE REJECTIONS

The claims stand rejected over Delgado as follows: claims 1 and 3 under 35 U.S.C. § 102(b),<sup>1</sup> and claims 6-10, 17 and 18 under 35 U.S.C. § 103.

## OPINION

We reverse the rejection under 35 U.S.C. § 102(b), reverse the rejection under 35 U.S.C. § 103 as to claims 6 and 7, and affirm the rejection under 35 U.S.C. § 103 as to claims 8-10, 17 and 18.

### Rejection under 35 U.S.C. § 102(b)

The Examiner has the initial burden of establishing a prima facie case of anticipation by pointing out where all of the claim limitations appear in a single reference. *See In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990); *In re King*, 801 F.2d 1324, 1327 (Fed. Cir. 1986).

Delgado discloses (Abstract):

A control knob [11] for turning on or off a burner of a kitchen gas stove, the knob including a cam-faced spur [18] on a side of the knob shank [14] which travels behind a stationary stop [19] mounted on the stove when the knob is being turned to shut off the gas, the stop preventing the knob to be turned on again unless the knob is first pushed axially so the spur clears the stop, the construction preventing children to readily turn the gas on.

The Appellants' claim 1 requires "a pushrod having a first end that supports the product badge and a second end forming a cam" and "a product

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<sup>1</sup> Claim 3 improperly depends from canceled claim 2. We treat claim 3 as depending from claim 1 into which the subject matter of claim 2 was incorporated (Br. 2).

badge support housing having an opening disposed to accept the pushrod, the opening having an opposing cam aligned to engage the pushrod cam”, “wherein pressing the product badge engages the pushrod and product badge support housing cams to turn the product badge.”

The Examiner relies upon Delgado’s burner control knob 11 as corresponding to the Appellants’ product badge, Delgado’s knob shank 14 as corresponding to the Appellants’ badge support, and Delgado’s valve stem 17 as corresponding to the Appellants’ pushrod (Ans. 3). The Examiner argues that “[s]upport 14 includes pushrod 17 held in an opening” (Ans. 3), and that “[p]ushrod 17 includes a cam opposing a cam on the support.” *See id.* The Examiner argues that “the knob is pushed and the cams are engaged when a user wishes to turn the badge” (Ans. 4).

The Examiner does not point out, and it is not apparent, where Delgado discloses a valve stem 17 cam. Delgado’s disclosure regarding valve stem 17 is that “[t]he knob includes a shank **14** integral therewith having a square central opening **15** into which a square end **16** of a valve stem **17** extends for transmitting rotational movement from the knob to the valve” (col. 1, ll. 50-53). Thus, the Examiner has not established that Delgado discloses pushrod and support housing cams that can engage each other to turn a product badge as required by the Appellants’ claim 1.

The Examiner, therefore, has not established a prima facie case of anticipation of the system claimed in the Appellants’ claim 1 or its dependent claim 3.

Rejection of claims 6 and 7 under 35 U.S.C. § 103

The Examiner does not explain how Delgado would have rendered prima facie obvious, to one of ordinary skill in the art, pushrod and support housing cams that can engage each other to turn a product badge as required by the Appellants' claim 1 from which claims 6 and 7 depend (Ans. 6-7).

Hence, the Examiner has not established a prima facie case of obviousness of the systems claimed in the Appellants' claims 6 and 7.

Rejection of claims 8-10 under 35 U.S.C. § 103

There is no dispute as to whether Delgado's burner control knob 11 corresponds to the Appellants' product badge that displays information.

The Examiner argues that "[r]otating the stove so that it is upright but facing a different direction is considered to be a different orientation" (Ans. 4).

The Appellants argue that "[r]otation of Delgado about a vertical axis would not present a need to rotate or in any way change the badge orientation" (Reply Br. 2).

Because Delgado's stove must be moved into place when it is installed, Delgado would have rendered prima facie obvious, to one of ordinary skill in the art, moving the stove from an orientation whereat it is pointing in a direction other than the direction in which it will be used, to the orientation in which it will be used. The burner control knob's "off" position would correspond to the first orientation because the stove is not to be turned on in that orientation. The burner control knob's "on" positions would correspond to the orientation in which the stove is to be used. The burner control knob also would be, at times, in the "off" position in the

stove's in-use orientation. The Appellants' claim 8, however, does not require that the first badge orientation is associated only with the first product orientation.

We therefore are not persuaded of reversible error in the rejection of claim 8 or its dependent claims 9 and 10.

Rejection of claims 17 and 18 under 35 U.S.C. § 103

The Appellants argue that claim 17 requires an upright orientation of the product logo (Reply Br. 2).

It is undisputed that Delgado's burner control knob 11 contains a product logo. One of ordinary skill in the art would have been led, through no more than ordinary creativity, to align that logo such that it is upright and, therefore, corresponds to the upright position of the stove, when the burner control knob on which the logo appears is in the position at which it would be most of the time, probably the "off" position, so that the logo can be most easily read most of the time. *See KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007) (In making the obviousness determination one "can take account of the inferences and creative steps that a person of ordinary skill in the art would employ").

Thus, we are not convinced of reversible error in the rejection of claim 17 or its dependent claim 18.

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DECISION

The rejection of claims 1 and 3 under 35 U.S.C. § 102(b) over Delgado is reversed. The rejection under 35 U.S.C. § 103 over Delgado is reversed as to claims 6 and 7, and affirmed as to claims 8-10, 17 and 18.

AFFIRMED-IN-PART

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