

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ASAHI YAMATO and TOSHIHIRO YANAGI

Appeal 2008-3438
Application 10/397,236¹
Technology Center 2100

Decided: December 4, 2008

Before JAMES D. THOMAS, JEAN R. HOMERE, and STEPHEN C. SIU,
Administrative Patent Judges.

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL

¹ Filed on March 27, 2003. The real party in interest is Sharp Corp. An oral hearing was conducted on this appeal on November 18, 2008.

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1 through 4 and 21 through 24. Claims 5 through 20 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

Appellants' Invention

As depicted in Figure 1, Appellants invented a power source apparatus (12) for illuminating a display panel (13) in a liquid crystal display (10). (Spec. 1, 24.) As shown in Figure 3, the power source (12) includes a voltage generating section (15) that outputs a voltage to the thin film transistor (TFT) of the display panel (13) to thereby illuminate the pixel of the display panel (13). (*Id.* at 27.) The power source (12) also includes a switching mechanism (14a) located between an output terminal (15) of the power source (12) and a reference terminal. The switch (14a) is tuned from OFF to ON when the power source (12) outputs a predetermined voltage via its output terminal. (*Id.*)

Illustrative Claim

Independent claim 1 further illustrates the invention. It reads as follows:

1. A power source apparatus for a display, comprising:
a voltage generating section capable of controlling outputting or output termination of one or more predetermined output voltages; and
a switching section provided between an output terminal of the predetermined output voltage and a predetermined reference potential terminal, wherein the switch section is turned from OFF to ON when the voltage generating section performs the output termination control.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of unpatentability:

Jeong	US 6,144,357	Nov. 07, 2000
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Rejection on Appeal

The Examiner rejects the claims on appeal as follows:

1. Claims 1 through 4 and 21 through 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jeong.

Appellants' Contentions

Appellants argue that Jeong does not teach a switching section between an output terminal of the power source and a reference terminal to turn the switch from OFF to ON when power source outputs a predetermined voltage via its output terminal, as recited in independent claim 1. (App. Br. 4-5; Reply Br. 1-2.) Particularly, Appellants argue that Jeong discloses a reverse current preventive circuit, which includes a plurality of diodes. However, Appellants argue that the diodes do not cause the reverse current circuit to turn from OFF to ON when they receive a predetermined voltage from the power source, as claimed. Therefore, Appellants submit that Jeong does not teach a switching section, as required by claim 1. (*Id.*)

Examiner's Findings

The Examiner finds that Jeong's disclosure of the reverse current preventive part located between the output terminal of the driving voltage and the voltage maintenance means, teaches the claimed limitations. (Ans. 5-7.) Consequently, the Examiner finds that Jeong anticipates independent claim 1. (*Id.*)

II. ISSUE

The pivotal issue before us is whether Appellants have shown that the Examiner erred in finding that Jeong anticipates the claimed invention. Particularly, the issue turns on whether Jeong's disclosure of reverse preventive current section teaches the switching section, as recited in independent claim 1.

III. FINDINGS OF FACT

The following findings of fact (FF) are supported by a preponderance of the evidence.

Jeong

1. As depicted in Figure 1, Jeong discloses a driving voltage generating circuit for powering the TFT of a liquid crystal display. The driving voltage circuit includes a switching section (100), a driving voltage generating section (200) adjoined with a reverse current preventive section (400) and a voltage maintenance section (300). (Col. 1, ll. 5-9; col. 2, ll. 21-40.)
2. The switching section (100) generates control signals A-D for controlling output voltages in the driving voltage generating section (200),

which supplies ON/OFF voltages for turning on and off TFT of the LCD.
(*Id.*)

3. The driving voltage generating section (200) includes a first driving voltage generating means (210) for generating gate on voltage, and a second voltage generating means (220) for generating gate off voltage. The generated gate voltages are supplied to corresponding sections (410, 420) of the reverse current preventive circuit (400) via respective output terminals of the driving voltage generating means. (Col. 2, ll. 45-55.)

4. The reverse current preventive section (400) includes current preventive sections (410, 420) that prevent gate on and gate off voltages respectively maintained by the first and second voltage maintenance means (310, 320) from inversely flowing into the driving voltage generating means (210, 220). (Col. 3, ll. 32-44.)

5. The first current preventive means (410) includes diodes D5-D6 that are forwardly connected between the first voltage driving means (210) and the first voltage maintenance means (310). Likewise, the second current preventive means (410) includes diodes D7-D8 that are forwardly connected between the second voltage driving means (220) and the second voltage maintenance means (320). (Col. 3, ll. 45-51.)

IV. PRINCIPLES OF LAW ANTICIPATION

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citing *Minn.*

Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc., 976 F.2d 1559, 1565 (Fed. Cir. 1992)). “Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference. In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.” *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999) (internal citations omitted).

V. ANALYSIS

35 U.S.C. § 102

Independent claim 1 recites in relevant part (1) a voltage generating section capable of controlling outputting *or* output termination of a predetermined output voltage, and (2) a switching section being turned from OFF to ON *when* the voltage generating section outputs the termination control. (Claims Appendix).

We begin by considering the scope and meaning of the afore-cited limitations. The *claims* measure the invention. *See SRI Int’l v. Matsushita Elec. Corp., of America*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). “[T]he PTO gives claims their ‘broadest reasonable interpretation.’” *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)). “Moreover, limitations are not to be read into the claims from the specification.” *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989)). Given the alternative language in the cited claimed limitation, we broadly, but reasonably construe it to require a voltage section that *either* controls an

output *or* outputs a predetermined voltage at a terminal. Further, we find that the claim language also requires a switch section located between the output terminal and a reference terminal. However, the switch section is conditionally turned from OFF to ON *when* the voltage generating section outputs the predetermined voltage at the output terminal. Thus, in order to anticipate the claimed invention, Jeong only needs to teach a voltage generating section that *either* controls an output *or* that generates a predetermined voltage at an output terminal to turn a switch from OFF to ON.

As set forth in the Findings of Fact section, Jeong discloses a driving voltage generating section that generates a gate on voltage and a gate off voltage that are fed to a reverse current preventive section located between the output terminals of the driving voltage generating section and the voltage maintenance section. (FF. 3-4.) Further, Jeong discloses that the reverse current preventive section includes a plurality of forward/reverse biased diodes that receive the gate on/off voltages to thereby prevent external voltages from leaking into the driving voltage section. (FF. 4-5.) We find that Jeong's driving voltage generating section, by generating gate on/off voltages at its output terminals, teaches the claimed voltage generating section. Further, we find that while Jeong's reverse current preventive section is located between the output terminals of the voltage generating section and the voltage maintenance section, it does not act as a switch that can be turned from OFF to ON. We therefore agree with Appellants that Jeong's reverse current preventive section merely acts as a barrier for preventing external voltages from leaking into the driving voltage section of the power source. Despite our agreement with Appellants' argument, we are

constrained to sustain the Examiner's anticipation rejection since, pursuant to our claim construction above, Jeong teaches at least one of the alternative limitations required by the claim. It follows that Appellants have not shown that the Examiner erred in finding that Jeong anticipates claim 1.

While Appellants separately argue the rejection of independent claims 21 and 23, they merely reiterate the same arguments provided for independent claim 1. Further, Appellants provide no separate arguments for the dependent claims. Consequently, claims 2 through 4 and 21 through 24 fall together with independent claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

VI. CONCLUSIONS OF LAW

Appellants have not shown that the Examiner erred in finding that Jeong anticipates claims 1 through 4 and 21 through 24.

VII. DECISION

We affirm the Examiner's decision rejecting claims 1 through 4 and 21 through 24.

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

msc

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