UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KESATOSHI TAKEUCHI

Appeal 2008-5757
Application 09/776,677
Technology Center 2600

Decided: December 22, 2008

Before KENNETH W. HAIRSTON, ROBERT E. NAPPI
and JOHN A. JEFFERY, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the final rejection of claims 1 to 21.

The disclosed invention relates to an image display apparatus that comprises a setting section that allows a user to directly set image quality adjustment excluding contrast and brightness of the image, and an image processing section that performs the image quality adjustment made by the

user, and that performs contrast compensation to maintain a brightness at a center of a specific color region larger than a predetermined size within the image displayed by the image display device (Figs. 1, 2, and 7; Spec. 2, 3, and 9 to 11).

Claim 1 is representative of the claimed invention, and it reads as follows:

1. An image display apparatus, comprising:

an image display device configured to display an image;

a setting section configured to allow a user to directly set image quality adjustment excluding contrast and brightness adjustments of the image; and

an image processing section configured to perform the image quality adjustment of the image according to the setting made by the user, and to perform contrast compensation to maintain a brightness at a center of a specific color region larger than a predetermined size within the image displayed by the image display device, regardless of the setting of the image quality adjustment.

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

Higuchi	US 6,160,576	Dec. 12, 2000 (filed Jul. 24, 1996)
Johnson	US 6,330,038 B1	Dec. 11, 2001 (filed Mar. 31, 1997)

The Examiner rejected claims 1 to 21 under 35 U.S.C. § 103(a) based upon the teachings of Higuchi and Johnson.

In the obviousness rejection of claims 1 to 21, the Examiner indicates that Higuchi describes an image display apparatus in which age setting dial 14 functions to allow a user to "directly set image quality adjustment," that red, green, and blue signal processing devices 30 to 50, respectively, form an image processing section that functions to perform the image quality adjustment of the image according to the setting made by the user, and to perform contrast compensation to maintain a brightness at a center of a specific color region, and that first image enhancer 34 compensates for a blurred image caused by defocus of the user (Ans. 3). The Examiner is of the opinion that "[i]t would have been obvious to one of ordinary skill in the art that the specific color region larger than a predetermined size is shown by the system of Higuchi et al as stated above with the sharpening of the blur or defocus of the picture" (Ans. 3 and 4). The Examiner acknowledges (Ans. 4) that "Higuchi et al do not disclose where the setting section (Fig. 1, item 14) is configured to allow a user to directly set image quality adjustment excluding contrast and brightness adjustments of the image" (Ans. 4). According to the Examiner (Ans. 4), "Johnson discloses in Fig. 7A and in col. 9, lines 29-43, where the sharpness may be set by the user separately from the brightness and contrast, so that the brightness can be maintained." The Examiner concludes (Ans. 4) that "[i]t would have been obvious to one of ordinary skill in the art to combine the systems of Higuchi et al with that of Johnson as they both disclose displays with setting controls."

Appellant contends that the adjustments made to the images in the applied references are not made "to maintain a brightness at a center of a

specific color region larger than a predetermined size" within a displayed image as set forth in the claims on appeal (App. Br. 7 and 8; Reply Br. 4).

Higuchi describes an image processing device that takes into consideration the age of the user of the device, and compensates for the deterioration of the user's vision (Abstract; col. 1, ll. 6 to 10). The age setting dial 14 is used to set the age of the user, and separate red, green, and blue signal processing devices 30, 40, and 50, respectively, each contain a color compensator 33 that compensates for a color balance based on the age of the user, a first image enhancer 34 that compensate for a blurred image caused by defocus by the user, and a second image enhancer 35 that compensates for contrast sensitivity of the user (col. 5, l. 7 to col. 6, l. 6).

Johnson describes a brightness control 202, a contrast control 204, a tint control 206, and a sharpness control 208 for a video image 10 (Figs. 7A and 7B; col. 9, ll. 27 to 43).

Although we agree with the Examiner (Ans. 4) that "sharpness may be set by the user separately from the brightness and contrast" in Johnson, we do not, however, agree with the Examiner that Johnson performs sharpness compensation "to maintain a brightness at a center of a specific color region larger than a predetermined size" within the displayed image as set forth in the claims on appeal. With respect to Higuchi, we find that the image compensation and image enhancement teachings of this reference are not concerned with maintaining "a brightness at a center of a specific color region larger than a predetermined size" within the displayed image. Thus, the Examiner's conclusion (Ans. 5) that "the sharpening of the blur or

defocus of the picture" in Higuchi is related to brightness of the image is not supported by the teachings or suggestions of the reference to Higuchi.

In summary, the obviousness rejection of claims 1 to 21 is reversed because the Examiner's articulated reasons for combining the teachings of Higuchi with those of Johnson do not support a legal conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007).

The decision of the Examiner is reversed.

REVERSED

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