

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAYAKAR C. REDDY
and CHESTER F. BASSETTI, JR.

Appeal No. 96-1444
Application 08/130,577¹

ON BRIEF

Before HAIRSTON, MARTIN, and BARRETT, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

¹ Application for patent filed October 1, 1993, entitled "Dual Display Video Controller."

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ON REQUEST FOR REHEARING

Appellants request rehearing of our decision entered February 24, 1999.

We have reconsidered our decision in light of appellants' arguments, but are not persuaded of any errors therein. Therefore, we decline to make any changes in our prior decision.

OPINION

Oral Hearing

Appellants state that a Request for Oral Hearing was filed on December 1, 1995, but that our opinion was entered without an oral hearing (RR2). Counsel for appellants states that he had a telephone conversation with Administrator Craig Feinberg about a previous status inquiry and that neither Mr. Feinberg nor he had any recollection that the oral hearing was waived (RR2). Counsel further states that the records do not indicate that the Oral Hearing was waived (RR2).

The file wrapper does not contain a Request for Oral Hearing as shown by the attached copy of the Contents page. A careful search of the file wrapper for misplaced papers has turned up no Request for Oral Hearing or the status inquiry

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referred to. The appeal is indicated on the internal papers setting the panel to be an "On Brief" case. Mr. Feinberg did not have the file in front of him when conversing with counsel about whether a waiver had been received.

Therefore, the appeal was properly decided On Brief. In any case, appellants do not state what the remedy should be if the decision was inadvertently made without an oral hearing assuming a request was in the file or assuming that the request was lost in the mail. There is no denial of due process of law. See 37 CFR § 1.194(a) (1998) ("An appeal decided without an oral hearing will receive the same consideration by the [Board] as appeals decided after oral hearing.").

Obviousness

Appellants discuss claim 1 and state that "[t]he other independent claims . . . differ from the prior art in ways similar to those described in conjunction with claim 1" (RR7). Thus, the arguments and our response are limited to claim 1.

Appellants argue that our interpretation of images A, B, C of Tatsumi as "independent" images "is at odds with the term

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'independent' as utilized in the specification of this application" (RR3), referring to page 5 of the specification, beginning at line 35 and continuing over into page 6. The specification does not discuss "independent" images, but does talk about displaying "different images." The images A, B, and C are different in Tatsumi and, thus, broadly are independent. In addition, however, Tatsumi discloses (col. 8, lines 53-66):

The above is an explanation for the method of this invention in which a picture of an object is divided to a plurality of portions [sic, portions] for display on respective whole screens. However, [the] invention is also capable of displaying an individual picture on each CRT screen (each picture is of course a component for presenting a situation).

Such a method [can be] applied to a television game machine with three CRT screens for example, in which game machine the left screen illustratively displays a picture of sallying fighters from a carrier, the right screen displays a picture of the just fired interceptor missiles, the middle screen displays a picture of a battle-field, and each of the screens are independent to present a scene. [Emphasis added.]

Thus, Tatsumi expressly discloses that the images may be independent in the sense argued by appellants.

Appellants argue that "[t]he language of the specification and the claims distinguish over situations where a plurality of displays are utilized each displaying a

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respective subset of an overall image so that the displays, together, display the entire image" (RR3). However, appellants do not point out what language in the claim is relied on and how it distinguishes over Tatsumi. Two subportions of a larger image are still independent images because the information in one image is different from the other. The claims do not preclude an arrangement of displays as shown in Tatsumi where the first video image is displayed on screen A, the second video image is displayed on screen B, and the images are subportions of an overall image. Nevertheless, we have noted that Tatsumi expressly discloses that the images may be independent in the sense argued by appellants.

Appellant states (RR4): "Wakeland does not provide individual images to separate displays. It only overlays information from one source onto an image from another source on a single display." This seems to be a statement of fact rather than an argument. The background and foreground images in Wakeland are "independent" images interleaved in memory (col. 4, lines 1-5; col. 5, lines 17-30). Thus, Wakeland discloses storing two independent images interleaved in memory

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and it is this teaching that is relied on in the rejection. Our decision states (D8): "Although Wakeland is directed to providing one of the background or foreground images to the same display, one skilled in the art was taught by Tatsumi that a memory can be used to hold separate images for separate displays. One of ordinary skill in the art would have been motivated to store separate images in Tatsumi in interleaved byte planes in view of Wakeland or, alternatively, to output the separate images in Wakeland to separate displays in view of Tatsumi." This reasoning has not been contested.

Appellants argue that "[a] close examination of the memory storage arrangement of Wakeland shows that two different images are stored in disjoint sections of memory in the video DRAM rather than in interleaved fashion" (RR4), pointing to the address space in Table II. Table II shows the CPU address space for data stored in the system DRAM 12 (col. 6, lines 12-15), not the video memory address space; the DRAM 40 video memory organization and address space is shown in Table III. Wakeland expressly states that "[t]he overlay mode steered data is interleaved (i.e., background PEL data, foreground PEL data, background PEL data, foreground PEL data,

etc.) in the VGA DRAM 40 in the following configuration [of Table III]" (emphasis added) (col. 5, lines 65-68). A 32-bit word D(0-31) read from the VGA DRAM 40 is one line from Table III and contains two PELs from the background data set on bits D(0-15) (first and second columns, which are considered to be planes 0 and 1) and two PELs from the foreground data set on bits D(16-23) (third column, plane 2). Thus, the foreground and background images are "stored in said memory in interleaved odd and even byte planes," as recited in claim 1. Appellants' argument that the images are not interleaved in memory is not persuasive.

It is noted that claim 1 recites that each frame of the first and second video image "is stored in said memory in interleaved odd and even byte planes." We noted in our decision that "claim 1 does not recite how the first and second images are distributed among the 'interleaved odd and even byte planes'; each image could be distributed over all byte planes" (D4-5). Table III of Wakeland shows a memory comprising interleaved odd and even byte planes and two images distributed in that memory. Appellants do not show how this

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teaching of Wakeland fails to meet the interleaved memory limitation of claim 1.

Appellants argue (RR5-6) that we have misinterpreted Wakeland's statement that "the VGA controller 32 disclosed herein, by use of the aforementioned 32-bit virtual data bus, is configured to interleave two independent images, a 256 color background and a 16 color foreground, seen by the CPU 4 as two discrete maps, or data sets, into the VGA DRAM 40 utilizing three of the four bit planes provided therein" (col. 3, line 67 to col. 4, line 5). Appellants argue (RR6):

That interleaving refers to the bus arrangement in which the first two bytes from the background are followed by one byte from the foreground and one unused byte as shown in Table 3. However, the data are not stored in alternating byte planes in the video memory.

We disagree. The "interleaving" at columns 3 to 4 is interleaving into the VGA DRAM 40, which is consistent with Table III showing an interleaved memory. That the bus may also interleave is not important.

Appellants argue that "[i]f Wakeland were combined with Tatsumi et al., the result will only be the ability to produce overlays on the three displays A, B and C of Tatsumi et al." (RR6). This does not address the obviousness reasoning. Our

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decision states (D8): "One of ordinary skill in the art would have been motivated to store separate images in Tatsumi in interleaved byte planes in view of Wakeland or, alternatively, to output the separate images in Wakeland to separate displays in view of Tatsumi." The rejection is based on the independent foreground and background images in Wakeland being displayed on separate displays, not being used as overlays.

Appellants argue (RR6): "The combination of Wakeland with Tatsumi et al. suggest[s] none of the benefits achieved by the claimed invention, namely the projection of the presentation of display on an external monitor while displaying other information (e.g., speaker's notes or the like) on an internal display, or the ability to be able to switch images between the two displays so one image can be queued up before it is sent to the viewing audience or so that one can view speaker's notes while displaying the slide with which the speaker's notes are associated." We do not find these limitations expressly or implicitly recited in claim 1 and appellants do not point to any claim language.

Appellants argue (RR6-7): "Further, there is no hint in the references of eliminating the controllers for each

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display. Thus, even if combined, the combination of the references would not result in the benefits of the claimed invention." Again, appellants fail to say what claim language is relied on. Our decision discusses the controller and selector means at D8-9 and appellants have not argued the error in that position.

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CONCLUSION

We have granted appellants' request to the extent that we have reconsidered our decision of February 24, 1999, but we deny the request with respect to making any changes therein.

DENIED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOHN C. MARTIN)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
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LEE E. BARRETT)	
Administrative Patent Judge)	

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