

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 41

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WALTER HILLEN, STEPHAN RUPP
and ULRICH SCHIEBEL

Appeal No. 1997-0033
Application No. 08/157,842¹

ON BRIEF

Before HAIRSTON, KRASS, and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

REQUEST FOR REHEARING

¹ Application for patent filed November 24, 1993. According to appellants, the application is a continuation of Application No. 07/661,037, filed February 25, 1991, now abandoned.

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In a decision dated May 10, 1999, the 35 U.S.C. § 103 rejection of claims 21 and 28 was sustained because appellants failed to rebut the examiner's prima facie case of obviousness.

Upon reconsideration of our decision, we find that appellants have presented convincing arguments that the applied references would not have suggested the claimed invention to one of ordinary skill in the art.

Although we still maintain that Meno discloses "low-pass filtering in one direction, and high-pass filtering in the other direction" (Decision, page 5), we now agree with appellants' argument (Request, page 5) that:

Meno's filtering is taught to be along a [sic] arbitrary directions determined by local image structures, namely along directions of arteries in a coronary angiographic image. The image streaks removed in this invention are in one particular direction, namely perpendicular to the row of electrometer probes.

Stated differently, the "various directions of arteries in an image bear absolutely no relation to the single direction of the row of electrometer probes by which the image is acquired" (Request, page 3). In short, appellants have correctly argued that the applied references neither teach nor would they have

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suggested to one of ordinary skill in the art the specific directionality of the spatial filtering with respect to the row of electrometer probes (Request, page 3).

Based upon the foregoing, appellants' rehearing request is granted, and our decision is hereby modified to reflect our agreement with the appellants. Accordingly, the decision of the examiner rejecting claims 21 and 28 under 35 U.S.C. § 103 is reversed.

REHEARING

GRANTED

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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APJ HAIRSTON

APJ KRASS

APJ GROSS

DECISION: REHEARING GRANTED
Send Reference(s): Yes No
or Translation (s)
Panel Change: Yes No
Index Sheet-2901 Rejection(s): _____

Prepared: June 9, 2000

Draft Final

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OB/HD GAU

PALM / ACTS 2 / BOOK
DISK (FOIA) / REPORT