

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BECKY J. SCHROEDER-PERRY and CHARLES F. SCHROEDER

Appeal No. 1998-0447
Application No. 08/477,893

ON BRIEF

Before JERRY SMITH, FLEMING, and GROSS, Administrative Patent Judges.

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 6. Claims 7 through 17 have been withdrawn from consideration as drawn to a non-elected species.

Appellants' invention relates to an electroluminescent display in which light segments are activated in sequence at a frequency sufficient to give to a viewer an overall appearance

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of uniform illumination. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An electroluminescent light display assembly comprising a laminar light screen including

a plurality of close side-by-side thin light emitting segments independently activatable to produce a display of light,

a common electrode directly associated with said light segments,

said light segments comprising electrically activatable light emitting matter aligned as lines in side-by-side parallel relation in electrical communication with one surface of said common electrode,

said line segments including a series of individual thin-line electrodes each narrower than and directly associated in coextensive aligned relation with the light emitting matter of a respective one of said light segments to activate said light segment,

a power source connected for energization of each of said light segments,

switching means effective to energize said light segments in repeated patterned sequence and at a frequency of repetition of said sequence to produce the visual effect of a steady unified display of light.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Rhodes	3,328,790	Jun. 27,
1967		
Evans et al. (Evans)	3,594,610	Jul. 20,
1971		

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Schroeder
05, 1981

4,266,164

May

Claims 1 through 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rhodes in view of Evans and Schroeder.

Reference is made to the Examiner's Answer (Paper No. 11, mailed September 8, 1997) for the examiner's complete reasoning in support of the rejection, and to appellants' Brief (Paper No. 10, filed June 11, 1997) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 6.

First we note that the examiner relies upon Schroeder for a teaching of energizing electroluminescent segments in sequence at a frequency sufficient to make the light output of the entire display appear uniform. However, the subject matter relied upon in Schroeder can be traced back to

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Application Serial No. 05/796,896, for both the present application and the patent to Schroeder. Therefore, Schroeder and the present application have the same effective filing date for such subject matter. Consequently, Schroeder is unavailable as a reference against the present claims.

As to the remaining references, Rhodes teaches a plurality of side-by-side strips, electrically activated in two groups, each group comprising a plurality of strips and each group being activatable independently of the other group; the two groups are alternately energized at a frequency of repetition to produce the appearance of a continuous display. Such groups are inherently energized in a repeated patterned sequence (i.e., group 1, group 2, group 1, group 2, etc.). However, as admitted by the examiner (Answer, page 5), Rhodes fails to disclose segmenting the electrically activatable light emitting matter, as recited in claim 1. Thus, contrary to the examiner's assertion (Answer, page 7), Rhodes cannot disclose electrodes narrower than the light segments.

Evans discloses (column 1, lines 55-57, column 1, line 75- column 2, line 3, and column 2, lines 62-67) that the conductive lines of an electroluminescent display can be

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mounted in troughs to isolate them from each other, and suggests the equivalence of a continuous layer and individual segments for the electroluminescent material (as Evans states that the material can fill the remainder of the trough either as a continuous layer or as segments). However, Evans shows the conductive lines and the electroluminescent material as having the same width. Thus, neither Rhodes nor Evans teaches electrodes narrower than the light emitting matter associated therewith. Accordingly, as the references do not disclose or suggest each and every element of the claims, the examiner has failed to establish a prima facie case of obviousness, and we cannot sustain the rejection of claim 1 and its dependents, claims 2 through 6.

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CONCLUSION

The decision of the examiner rejecting claims 1 through 6 under 35 U.S.C. § 103 is reversed.

REVERSED

JERRY SMITH)	
Administrative Patent Judge)	
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)	
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)	BOARD OF PATENT
MICHAEL FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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CHARLES F SCHROEDER
2317 VALLEYBROOK DRIVE
TOLEDO, OH 43615-2953