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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PAUL L. DREW

Appeal 2010-009524
Application 11/796,398
Technology Center 2800

Before, DAVID M. KOHUT, BRYAN F. MOORE, and
LARRY J. HUME, *Administrative Patent Judges*.

KOHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final Rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm the Examiner's rejection of these claims.

INVENTION

The invention is directed to a method and apparatus for adjusting a display through the use of a stand. Spec. 3. Claim 1 is representative of the invention and is reproduced below:

1. An apparatus, comprising:
 - a base;
 - an electronic display;
 - a single mounting arm including a first end pivotally connected to the base and a second end with a single swivel pivotally connected to the display such that the display rotates at the second about an X-axis, a Y-axis, and a Z-axis.

REFERENCES

Sweere	US 6,015,120	Jan. 18, 2000
Jeong	US 7,529,083 B2	May 5, 2009 (filed May 19, 2005)

REJECTION AT ISSUE

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Sweere and Jeong. Ans. 3-6.

ISSUES

Did the Examiner err in finding the combination of Sweere and Jeong teaches or suggests a single mounting arm wherein one side is pivotally

connected to a base and the other side is connected to a single swivel that is pivotally connected to a display so that the display rotates at the single swivel about a 3 axes, as required by independent claims 1, 8, and 13?

Did the Examiner err in finding the combination of Sweere and Jeong teaches or suggests “wherein the single mounting arm collapses so the display is horizontally positioned on top of and parallel with the base and the single mounting arm,” as recited by claim 4, and as commensurately recited in claims 12 and 17?

Did the Examiner err in finding the combination of Sweere and Jeong teaches or suggests “wherein the single mounting arm has an elongated rectangular configuration with rounded ends,” as required by claim 5?

Did the Examiner err in finding the combination of Sweere and Jeong teaches or suggests “a swivel connected at the second end of the mounting arm to enable the display to rotate about a horizontal Z-axis,” as required by claim 10?

ANALYSIS

Claims 1-7

We select claim 1 as representative of the group of claims comprising claims 1-3, 6, and 7, as Appellant has not argued any of the other claims with particularity. 37 C.F.R. § 41.37(c)(1)(vii). Claim 1 recites “a single mounting arm including a first end pivotally connected to the base and a second end with a single swivel pivotally connected to the display such that the display rotates at the single swivel about an X-axis, a Y-axis, and a Z-axis.” First, Appellant argues that neither Sweere nor Jeong teach this limitation because Jeong teaches separate mechanisms that include a swiveling unit 61, tilting unit 71, and pivoting unit 81. App. Br. 13-14; Reply Br. 2-4. Thus, Appellant contends that Jeong does not teach a single swivel, as required in the claims. App. Br. 13-14; Reply Br. 2-4. We disagree. We agree with the Examiner that while Jeong’s hinge 60 includes three elements, those elements comprise the single hinge, i.e., the single swivel. Ans. 7. Appellant’s claim does not require that the hinge be formed of only one piece.

Second, Appellant argues that Jeong requires multiple mounting arms and, therefore, one of ordinary skill in the art would not combine Jeong with the single mounting arm of Sweere. Reply Br. 2-4. We disagree. The Examiner is simply relying on Jeong to show that a mounting arm having a swivel capable of rotating a display about an X-axis, a Y-axis, and a Z-axis was known in the art. Ans. 6-8. The Examiner is relying on Sweere to teach the required single mounting arm having a first end pivotally connected to a base and a second end having a single swivel pivotally connected to a display. Ans. 6-7. Thus, the Examiner finds that it would have been

obvious to one of ordinary skill in the art to combine Jeong's single swivel with Sweere's single mounting arm connected to a display. Ans. 3. We agree that the combination is obvious as it is merely a simple substitution of one known element, i.e., a swivel capable of rotating a display about an X-axis, a Y-axis, and a Z-axis, for another element, i.e., a single swivel pivotally connected to a display, providing a predictable result. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418(2007).

For the reasons stated *supra*, we sustain the Examiner's rejection of claim 1 and claims 2-7 that have been grouped with claim 1.

Claims 4, 12, and 17

Appellant additionally argues that the combination of Sweere and Jeong fails to teach or suggest a single mounting arm that collapses so the display is horizontally positioned on top of and parallel with the base and the single mounting arm, as required by claims 4, 12, and 17. App. Br. 14. Appellant argues that the combination of Sweere and Jeong would not allow the mounting arm to collapse because the mounting arm in Jeong is fixed to the base. App. Br. 14. While the Examiner agrees with Appellant that the mounting arm in Jeong is fixed to the base, the Examiner notes that Jeong has not been relied on to teach this feature. Ans. 9-10. The Examiner finds that Sweere teaches that the mounting arm collapses, as claimed. Ans. 9-10; Final Rej. 3. We agree with the Examiner and Appellant has not addressed the Examiner's specific finding. Therefore, we sustain the Examiner's rejection of claims 4, 12, and 17.

Claim 5

Appellant additionally argues that the combination of Sweere and Jeong fails to teach or suggest “wherein the single mounting arm has an elongated rectangular configuration with rounded ends”, as recited in claim 5. App. Br. 14-15. In particular, Appellant argues that Sweere teaches a mounting arm with only one rounded end. App. Br. 14. The Examiner finds that Sweere teaches a mounting arm with a rectangular configuration having two rounded ends. Ans. 11-12. The Examiner refers to a first end connected to the base in Figure 20 being rounded and a second end connected to the display in Figure 21 being rounded. Ans. 11-12. Appellant has not addressed the Examiner’s specific finding. Thus, we sustain the Examiner’s rejection of claim 5.

Claims 8-12

Appellant makes the same arguments with respect to claims 8-12 as with claim 1. App. Br. 15-16. As such, we sustain the Examiner’s rejection of claims 8-12 for the reasons indicated *supra* with respect to claim 1.

Claim 10

Appellant further argues that the combination of Sweere and Jeong fails to teach or suggest “a swivel connected at the second end of the mounting arm to enable the display to rotate about a horizontal Z-axis,” as recited in claim 10 because element 60 in Jeong¹ is not a swivel, but a spring

¹ Appellant indicated element 60 was in Sweere. App. Br. 16. However, this was a typo as element 60 is found in Jeong, not Sweere, as indicated by the Examiner. Ans. 15.

washer. App. Br. 16. We disagree. The Examiner correctly finds that element 60 in Jeong is a hinge that allows for rotation about three axes, A, B, and C. Ans. 5 and 15; *See also* Jeong, col. 6, ll. 9-67. Thus, we sustain the Examiner's rejection of claim 10.

Claims 13-20

Appellant makes the same arguments with respect to claims 13-20 as with claim 1. App. Br. 16-17. As such, we sustain the Examiner's rejection of claims 13-20 for the reasons indicated *supra* with respect to claim 1.

CONCLUSION

The Examiner did not err in finding the combination of Sweere and Jeong teaches or suggests a single mounting arm wherein one side is pivotally connected to a base and the other side is connected to a single swivel that is pivotally connected to a display so that the display rotates at the single swivel about a 3 axes, as required by independent claims 1, 8, and 13.

The Examiner did not err in finding the combination of Sweere and Jeong teaches or suggests "wherein the single mounting arm collapses so the display is horizontally positioned on top of and parallel with the base and the single mounting arm," as recited by claim 4, and as commensurately recited in claims 12 and 17.

The Examiner did not err in finding the combination of Sweere and Jeong teaches or suggests "wherein the single mounting arm has an elongated rectangular configuration with rounded ends," as required by claim 5.

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The Examiner did not err in finding the combination of Sweere and Jeong teaches or suggests “a swivel connected at the second end of the mounting arm to enable the display to rotate about a horizontal Z-axis,” as required by claim 10.

SUMMARY

The Examiner’s decision to reject claims 1-20 is affirmed.

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

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