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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TAE-HYEONG PARK and CHEOL-MIN KIM

Appeal 2010-009773
Application 11/369,354
Technology Center 2600

Before CARL W. WHITEHEAD, JR., ERIC S. FRAHM, and
ANDREW J. DILLON, *Administrative Patent Judges*.

FRAHM, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Introduction

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-14. Claims 7-11 have been canceled by Appellants in the After Final Amendment filed August 18, 2009. Therefore, only claims 1-6 and 12-14 remain pending and are before us on appeal (*see* Br. 2). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Exemplary Claim

Exemplary independent claim 1 under appeal, with emphasis added to disputed portions of the claim, reads as follows:

1. A display device comprising:

a substrate;

a plurality of gate lines formed on the substrate;

a gate driver disposed on the substrate and transmitting gate signals to the gate lines;

a repair gate driver disposed on the substrate and having a substantially similar structure as the gate driver; and

a signal line connecting the gate driver with the repair gate driver and transmitting at least one control signal to the gate driver.

*Rejection*¹

The Examiner rejected claims 1-6 and 12-14 as being unpatentable under 35 U.S.C. § 103(a) over Jung (U.S. Patent Number 5,815,129, issued September 29, 1998). Ans. 3-6.

*Appellants' Contentions*²

Appellants contend (Br. 6-10) that the Examiner erred in rejecting claims 1-6 and 12-14 under 35 U.S.C. § 103(a) over Jung for numerous reasons including:

(1) modifying Jung to connect a signal line from the gate driver to the repair gate driver would not have been obvious and would involve hindsight, and such modification “would probably increase the cost of overall fabrication, not reduce the cost of overall fabrication, as indicated by the Examiner” (Br. 8);

(2) Appellants’ repair gate driver 410 does not operate while gate driver 400 operates because CLK1 and CLK2 (the clock signals) are not received by the repair gate driver 410 (Br. 8); and

(3) Jung has simultaneously operated gate drivers, thus it would not have been obvious to use signal line to connect “*a singularly operated gate driver with a repair gate driver for use in laser repair and static protection*”

¹ The Examiner rejected claims 7-11 under 35 U.S.C. § 103(a) over Jung, Moon (US 2004/0189584 A1), and Fu (US 6,064,095) (*see* Final Rej. 6-10), however this rejection has been withdrawn, as the Examiner has not repeated this rejection in the Answer. Accordingly, we do not further consider this rejection or Appellants’ arguments in response thereto in our Decision herein.

² Separate patentability is not argued for dependent claims 2-6, 13, and 14 (*see* App. Br. 6-10).

with the simultaneously operated gate drivers of Jung” (Br. 8) (emphases added); and

(4) “Jung fails to disclose, teach, or otherwise make obvious, ‘a signal line connecting the gate driver with the repair gate driver and transmitting at least one control signal to the gate driver’, as recited in Appellants’ Claims 1 and 12” (Br. 9).

Examiner’s Answer

The Examiner responded in the Answer by presenting a new fact finding. Specifically, the Examiner found that:

. . . . Jung discloses gate driver 20a of fig. 7 and repair gate driver 20b of fig. 7, both gate driver and repair gate driver operate at the same time and supply gate signals to the gate lines of the display panel col. 6, lines 8 - 26, both gate driver and repair gate driver receive input: INPUT of fig. 8 signals to activate shift registers 22 of fig. 8, therefore "a signal line transmitting at least one control signal to the gate driver" is inherent to supply input signal: INPUT of fig. 8 to the gated driver 20a of fig. 8. . . .

(Ans. 8).

Reply Brief

No Reply Brief has been presented. Therefore, Appellants have not disputed the Examiner’s new fact finding.

Issue on Appeal

Based on Appellants’ arguments in the brief, the following principal issue is presented on appeal:

Did the Examiner err in rejecting claims 1-6 and 12-14 as being obvious because Jung fails to teach or suggest “a signal line connecting the

gate driver with the repair gate driver and transmitting at least one control signal to the gate driver,” as recited in claims 1 and 12?

ANALYSIS

We have reviewed the Examiner’s rejection in light of Appellants’ contentions in the Appeal Brief (Br. 6-9) that the Examiner has erred.

We disagree with Appellants’ conclusions. With regard to claims 1-6 and 12-14, we adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken, and (2) the reasons set forth by the Examiner in the Examiner’s Answer (Ans. 3-9) in response to Appellants’ Appeal Brief. We concur with the conclusions reached by the Examiner. We highlight and address specific findings and arguments regarding the claim limitation of “a signal line connecting the gate driver with the repair gate driver and transmitting at least one control signal to the gate driver” (claims 1 and 12).

The Examiner modifies Jung (*see* Fig. 7, gate drivers 20a and 20b) to have a control line connected to both drivers 20a and 20b (one input line instead of two as implied by Jung’s Figures 5, 6, and 8). Appellants’ arguments (*see* Br. 8) that cost would not be reduced by connecting the gate drivers as proposed by the Examiner (*see* Ans. 4 and 8-9) are not persuasive because Jung operates both gate drivers 20a and 20b to make a redundancy circuit for the display panel 40 (*see* col. 4, ll. 36-38), reduces the number of input pads needed by only having one input line (col. 5, ll. 13-31; col. 6, ll. 8-26), and thus reduces cost by reducing the number of pads and lines needed for the display device.

We agree with the Examiner's obviousness statement, rational underpinning, and motivation for making the modification to Jung of connecting a control line to both of the gate drivers 20a and 20b (*see* Ans. 4 and 8-9). Appellants have not submitted any evidence, and provide only unsupported conclusory arguments, to support their claim that the Examiner's modification of Jung "would probably increase the cost of overall fabrication, not reduce the cost of overall fabrication, as indicated by the Examiner" (Br. 8).

While the Specification can be examined for proper context of a claim term, limitations from the Specification will not be imported into the claims. *CollegeNet, Inc. v. ApplyYourself Inc.*, 418 F.3d 1225, 1231 (Fed. Cir. 2005) (citations omitted). Although Appellants assert that the Examiner's observations regarding reducing fabrication costs by connecting the drivers are not applicable to decreasing static electricity (Br. 8), Appellants have provided no evidence on this record to support this assertion apart from mere conclusory statements. It is well settled that mere lawyer's arguments and conclusory statements, which are unsupported by factual evidence, are entitled to little probative value. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *In re De Blauwe*, 736 F.2d 699, 705 (Fed. Cir. 1984). In addition, the feature of reducing static electricity is not set forth in independent claims 1 and 12. *See CollegeNet*, 418 F.3d at 1231.

Appellants' argument that it would not have been obvious to use signal line to connect "*a singularly operated gate driver with a repair gate driver for use in laser repair and static protection with the simultaneously operated gate drivers of Jung*" (Br. 8) (emphases added), is not commensurate in scope with the recitations found in independent claims 1

and 12. Claims 1 and 12 do not (i) require the gate driver to be “singularly operated,” (ii) recite using a signal line to connect the gate driver with the repair gate driver “for use in laser repair and static protection,” and (iii) require that the gate drivers be operated “simultaneously” as contended by Appellants (*see* Br. 8). In addition, Appellants’ reason for combining the lines, e.g. reducing static electricity (Spec. 11:17-12:6), is not set forth in claims 1 and 12 on appeal.

In view of the foregoing, Appellants have not sufficiently shown that the Examiner erred in rejecting independent claims 1 and 12, or their respective dependent claims 2-6, 13 and 14, under 35 U.S.C. § 103(a) and we will sustain the rejection before us.

CONCLUSION

The Examiner has not erred in rejecting claims 1-6 and 12-14 as being unpatentable under 35 U.S.C. § 103(a) over Jung.

DECISION

The Examiner’s rejection of claims 1-6 and 12-14 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

llw