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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HO-SUK MAENG, KOOK-CHUL MOON,
UNG-SIK KIM, PIL-MO CHOI,
TAE-HYEONG PARK, SEOCK-CHEONSONG,
SANG-HOON LEE, and KEUN-WOO PARK

Appeal 2011-007121
Application 11/486,814
Technology Center 2600

Before JOSEPH L. DIXON, ST. JOHN COURTENAY III, and
CARLA M. KRIVAK, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

The Patent Examiner finally rejected claims 1-7, 15-19, 25, and 26. Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b). We Affirm.

STATEMENT OF THE CASE

INVENTION

The invention on appeal “relates to a display apparatus, and more particularly, to a display apparatus having a plurality of circuits integrated on the same circuit board, and an information processing system with the same.” (Spec. 1). Claim 1, reproduced below, is representative of the claimed subject matter:

1. An information processing system comprising:
 - a host generating an image signal and storing a coded image signal; and
 - a liquid crystal display apparatus receiving the image signal from the host and coding the image signal from the host to generate the coded image signal and providing the host with the coded image signal, the liquid crystal display apparatus reading the coded image signal stored in the host and decoding the coded image signal to display an image using the decoded image signal.

REJECTIONS

1. Claims 1-4, 15, 18, 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combined teachings and suggestions of Lin (U.S. Publication No. 2003/0137527 A1) and Yamada (U.S. Publication No. 2002/0150393 A1).

2. Claims 5 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combined teachings and suggestions of Lin, Yamada, and Kondo (U.S. Publication No. 2004/0264876 A1).
3. Claims 6 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings and suggestions of Lin, Yamada, and Rai (U.S. Publication No. 2006/0023952 A1).
4. Claims 7 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combined teachings and suggestions of Lin, Yamada, and Ikeda (U.S. Publication No. 2001/0011988 A1).

GROUPING OF CLAIMS

Based on Appellants' arguments, we decide the appeal of the first-stated rejection on the basis of representative claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv). We address rejections 2-4 *infra*.

CONTENTIONS

Appellants contend, inter alia:

In view of the Examiner's interpretation, the apparatus generating the input image signal corresponds to both the host **and** the liquid crystal display apparatus of Claim 1. In other words, there is no separation of elements, more specifically memory storage as recited in Claim 1, between the alleged host and liquid crystal display apparatus of Yamada.

If the host corresponds to the system that includes apparatus generating "input image signal" of Figure 2, image signal transmitting apparatus A, and image signal storage and reconstruction apparatus B storing a coded image signal, then Yamada fails to disclose the limitations of "a liquid crystal display apparatus receiving the image signal from the host

and coding the image signal from the host to generate the coded image signal and providing the host with the coded image signal", as recited in Claim 1.

Therefore, Lin and Yamada alone or in combination fail to disclose or suggest the information processing system as set forth in Claim 1.

(App. Br. 10).

The Examiner disagrees:

[T]he Examiner is reading "host" as an apparatus that includes at least coding control unit 2 and coded signal storage unit 4 of fig. 2 in Yamada and "liquid crystal display" as an apparatus that includes at least image coding unit 1 and image decoding unit 5 of fig. 2 in Yamada.

Therefore, Lin (as modified by Yamada) clearly teaches a liquid crystal display apparatus receiving the image signal from the host and coding the image signal from the host to generate the coded image signal and providing the host with the coded image signal.

(Ans. 12-13).

Issue: Under § 103, did the Examiner err in finding that the cited references, either alone or in combination, would have taught or suggested:

“a liquid crystal display apparatus receiving the image signal from the host and coding the image signal from the host to generate the coded image signal and providing the host with the coded image signal,”

within the meaning of representative claim 1?

ANALYSIS

“[I]t is not necessary that the inventions of the references be physically combinable to render obvious the invention under review.” *In re*

Sneed, 710 F.2d 1544, 1550 Fed. Cir. 1983 (citing *Orthopedic Equip. Co. v. United States*, 702 F.2d 1005, 1013 (Fed. Cir. 1983); *In re Andersen*, 391 F.2d 953, 958 (CCPA 1968)); see also *In re Nievelt*, 482 F.2d 965, 968 (CCPA 1973) (“Combining the *teachings* of references does not involve an ability to combine their specific structures.”). “The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.” *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

Here, the Examiner relies on Lin for teaching the *structural* elements of the claimed invention:

As to claim 1, Lin et al. discloses an information processing system comprising:

a host (fig. 2(100)) generating an image signal and storing the image signal (fig.2, [0030] - [0031], [0043]);

a liquid crystal display apparatus (fig. 2(120)) receiving the image signal from the host (fig. 2, [0030], [0043]); and

the liquid crystal display apparatus (fig. 2(120)) reading the image signal stored in the host and display an image using the image signal (fig. 2(130), [0030], [0043]).

(Ans. 4).

Although the Examiner also indicates that the secondary Yamada reference cumulatively teaches a host and a liquid crystal display (Ans. 13), the Examiner is particularly relying on Yamada for teaching or suggesting the claimed respective *signal flows* that are missing from Lin:

Lin et al. does not explicitly teach an information processing system where a host storing a coded image signal, and a liquid crystal display apparatus coding the image signal from the host

to generate the coded image signal and providing the host with the coded image signal, the liquid crystal display apparatus reading the coded image signal stored in the host and decoding the coded image signal to display an image using the decoded image signal.

(Ans. 4-5).

The Supreme Court guides that where “a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007). Our reviewing court further guides “it is not necessary that the inventions of the references be physically combinable to render obvious the invention under review.” *Sneed*, 710 F.2d at 1550. Because the Examiner is not relying on the *physical* combination of Lin and Yamada, and because we find such combination of familiar elements would yield a *predictable result*, on this record, we are not persuaded of Examiner error regarding the disputed limitation.

Regarding the combinability of the Lin and Yamada references, Appellants merely present a nominal argument that does not cite to any *evidence* to persuasively rebut the Examiner’s proffered rationale to combine the references:¹

¹ See the Examiner’s proffered rationale to combine the references: “Therefore, it would have been obvious to one skill in the art at the time of the invention was made to modify the display apparatus of Lin et al. by incorporating the idea of Yamada et al. of storing coded image signal in the host and decoding the coded image signal to display an image in order to make a liquid crystal display apparatus with better resolution and reduced size.” (Ans. 6).

In this regard, it is unclear how Lin and Yamada are combined to make the invention of Claim 1, and there is no evidence or rational reason that, at the time the invention was made, it would have been obvious to those skilled in the art from the combination of Lin and Yamada.

(App. Br. 7).

Attorney arguments and conclusory statements that are unsupported by factual evidence are entitled to little probative value. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *see also In re De Blauwe*, 736 F.2d 699, 705 (Fed. Cir. 1984). “Argument in the brief does not take the place of evidence in the record.” *In re Schulze*, 346 F.2d 600, 602 (CCPA 1965) (citing *In re Cole*, 326 F.2d 769, 773 (CCPA 1964)). For these reasons, we find Appellants’ unsupported combinability argument unavailing.

Accordingly, we sustain the Examiner's rejection of claim 1, and of claims 2-4, 15, 18, 25 and 26 (not argued separately) which fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Regarding the remaining rejections 2-4, Appellants contend the remaining dependent claims are patentable by virtue of their dependency from their respective parent claims. (App. Br. 10, last two lines). However, we find no defects in the Examiner’s underlying factual findings and ultimate legal conclusion of obviousness for independent claims 1, 15, and 25, as discussed above. Therefore, we sustain the Examiner's rejections 2-4 for the same reasons discussed above regarding claim 1.

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DECISION

We affirm the Examiner's rejections under § 103 of claims 1-7, 15-19, 25, and 26.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

ORDER

AFFIRMED

Vsh