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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROGER PANICACCI

Appeal 2012-001766
Application 11/769,517
Technology Center 2600

Before THU A. DANG, JAMES R. HUGHES, and
GREGORY J. GONSALVES, *Administrative Patent Judges*.

HUGHES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1-34, which are all the claims remaining in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellant's Invention

The invention at issue on appeal concerns imaging devices, systems, and methods for pixel to pixel charge copying to compensate for image shift during exposure time of an imaging device. (Spec. ¶¶ [0001], [0013]; Abstract.)¹

Representative Claim

Independent claim 1, reproduced below further illustrates the invention:

1. A method, comprising:

determining an acquired image shift distance associated with a first set of pixels included in a plurality of pixels after a beginning of an integration time associated with the plurality of pixels;

moving stored charge from the first set of pixels to a second set of pixels included in the plurality of pixels;

selecting a third set of pixels included in the plurality of pixels wherein the selecting includes determining a distance between the first set of pixels and the third set of pixels in proportion to the acquired image shift distance; and

moving the stored charge from the second set of pixels to the third set of pixels prior to an end of the integration time.

¹ We refer to Appellant's Specification ("Spec."); Appeal Brief ("App. Br.") filed April 11, 2011; and Reply Brief ("Reply Br.") filed June 27, 2011. We also refer to the Examiner's Answer ("Ans.") mailed April 27, 2011.

Rejection on Appeal

The Examiner rejects claims 1-34 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

ISSUE

Based upon our review of the administrative record, Appellant's contentions, and the Examiner's findings and conclusions, the pivotal issue before us follows:

Does the Examiner err in concluding that claims 1-34 did not comply with the enablement requirement of 35 U.S.C. § 112, first paragraph, in that the disclosure of the Specification is insufficient to inform those skilled in the relevant art how to both make and use the claimed invention?

ANALYSIS

We agree with Appellant that the claims meet the enablement requirement, in that the Specification provides a level of disclosure commensurate with the scope of the claims and that more elaborate detail, beyond that provided in the specification is not required under 35 U.S.C. § 112, first paragraph. Specifically, as explained by Appellant:

Independent claims 1, 8, 16, 19, 25 and 32 do not recite all operations of image sensors. For example, Claim 1 recites elements such as moving stored charge from the first set of pixels to a second set of pixels included in the plurality of pixels, selecting a third set of pixels, and moving the stored charge from the second set of pixels to the third set of pixels prior to an end of an integration time. Because the claim scope is on a pixel transfer level [(App. Br. 15) – i.e.,] higher level elements, such as an image sensor that copies charge in the manner shown in figure 3, or that performs the method shown in figure 7 [(App. Br. 14) – the recited elements] are disclosed

at a level of detail that is in line with the scope of the claims [(*id.*)]. (App. Br. 14-15). Further, as explained by Appellant, the limitations of the claims (reciting charge transfer) “are fully supported and enabled by teachings in Appellant’s as-filed specification, for example, at FIG. 3 and paragraphs [0024] and [0025]. See also the Specification at FIGS. 4-6 and paragraphs [0026]-[0031].” (Reply Br. 5).

We agree with Appellant that Appellant’s Figures 1-7 describe the various circuit elements (FIGs 1, 2, 4-6), demonstrate the charge transfer (FIG. 3), and describe the charge transfer process (FIG. 7). (*See* Reply Br. 4-6.) In particular, we concur that the figures demonstrate “how the individual CMOS image circuit (or pixel) in FIG. 1 or 2 can be employed in an image device including the charge copy circuit in FIGS. 4, 5, or 6 in the form of the array of pixels in FIG. 3.” (Reply Br. 6.) We further agree with Appellant that the Specification (in particular, paragraphs [0024] – [0031]) describe the various circuit elements and charge transfer process at a level commensurate with the scope of the claims. (Reply Br. 4-6.) We conclude that Appellant’s claims are supported by the originally filed Specification. We further conclude that the Specification (and drawings) describe the manner and process of making and using the charge transfer device and method to one of ordinary skill in the art without undue experimentation commensurate with the scope of the claims.

Consequently, we are constrained by the record before us to conclude that the Examiner erred in the enablement rejection of claims 1-34. Accordingly, we reverse the Examiner’s enablement rejection of claims 1-34.

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CONCLUSION OF LAW

Appellant has shown that the Examiner erred in rejecting claims 1-34 under 35 U.S.C. § 112, first paragraph.

DECISION

We reverse the Examiner's rejections of claims 1-34 under 35 U.S.C. § 112, first paragraph.

REVERSED

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