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Cheng Law Group, PLLC 1133 13th St. N.W. Suite C2 Washington, DC 20005			HOLCOMB, MARK	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YOSHINORI OHNO

Appeal 2014-002878
Application 12/680,773
Technology Center 3600

Before BIBHU R. MOHANTY, MICHAEL C. ASTORINO, and
BRADLEY B. BAYAT, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellant seeks our review under 35 U.S.C. § 134 of the Final Rejection of claims 1–10 which are all the claims pending in the application.

We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We REVERSE.

THE INVENTION

The Appellant's claimed invention is directed to processing radiological images taken through a grid for removing scattered radiation (Spec., page 1, lines 7–10). Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A radiological image processing apparatus for processing a radiological image taken through a grid for removing scattered radiation, comprising a separating device for separating the radiological image into a grid image including components of a grid figure due to the grid and a non-grid image including other components; an adjusting device for adjusting intensity of the grid image on real space based on the non-grid image to generate all an adjusted image; and a removing device for subtracting the adjusted image from the non-grid image to generate a corrected image free of influences of the grid.

THE REJECTIONS

The following rejections are before us for review:

1. Claims 1–7 and 9 are rejected under 35 U.S.C. § 103(a) as unpatentable over Inoue (US 7,474,774 B2, issued Jan. 6, 2009) and Yazici (6,333,990 B1, issued Dec. 25, 2001).
2. Claim 8 is rejected under 35 U.S.C. § 103(a) as unpatentable over Inoue, Yazici, and Barski (US 6,269,176 B1, issued July 31, 2001).

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section below are supported at least by a preponderance of the evidence.¹

ANALYSIS

The Appellant at pages 5–11 of the Appeal argue that the rejection of 1 is improper because cited prior art fails to disclose the claim limitations for:

an adjusting device for adjusting intensity of the grid image on real space based on the non-grid image to generate an adjusted image; and a removing device for subtracting the adjusted image from the non-grid image to generate a corrected image free of influences of the grid.

(Claim 1, emphasis added). The Appellant provides similar arguments in the Reply Brief at pages 1–4.

In contrast, the Examiner has determined that the rejection is proper and that the cited claim limitations are shown by Yazici at Figures 2 (#218), 4, 7, and 8 (items 380, 381), col. 3:66–4:1; and Inoue at Figure 3 (item S113) (Final Rej. 4, 9, 10, and Ans. 4, 9–11).

We agree with the Appellant. Here, the first part of the cited claim limitations requires “*an adjusting device for adjusting intensity of the grid image on real space based on the non-grid image to generate an adjusted image.*” Here, the above citations to Yazici fail to disclose this. For example, Yazici at col. 3:66–4:1 does disclose that grid lines are removed

¹ See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

from the image but it is not specifically disclosed that this is done based on “the non-grid image” in the manner claimed above. The citation to Yazici at Figures 7 and 8 also show an adjustment in the grid lines between 380 and 381 but it is not specifically shown it is based on “the non-grid image” in the manner claimed above. For this reason, the rejection of claim 1 and its dependent claims is not sustained. For these reasons the rejection of claim 1 and its dependent claims 2–7 and 10 is not sustained.

Claim 9 contains a similar limitation to claim 1 and the rejection of that claim is not sustained for the reasons given above.

The rejection of dependent claim 8 is sustained as well as the additional reference Barski fails to cure the deficiencies of the rejection of claim 1.

CONCLUSIONS OF LAW

We conclude that Appellant has shown that the Examiner erred in rejecting the claims as listed in the Rejections section above.

DECISION

The Examiner’s rejections of claims 1–10 are reversed.

REVERSED