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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HAJIME KIMURA

Appeal 2014-009831
Application 11/605,537
Technology Center 2600

Before CARLA M. KRIVAK, CARL W. WHITEHEAD JR., and ADAM J. PYONIN, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–9 and 19–27. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellant's invention is directed to "a semiconductor device having a function to control, by a transistor, current to be supplied to a load" (Spec. ¶1).

Independent claim 1, reproduced below, is exemplary of the subject matter on appeal.

1. A display device comprising:
a pixel portion comprising (n x m) pixels provided in a matrix form;
a scan line driving circuit configured to select (i-1)-th row of the (n x m) pixels, and i-th row of the (n x m) pixels;
a signal line driving circuit configured to input first video signal to the (i-1)-th row when the (i-1)-th row is selected, and second video signal to the i-th row when the i-th row is selected, the signal line driving circuit comprising:
a shift register comprising flip-flop circuits; and
switches configured to be controlled by a same signal;
and
a determination circuit configured to stop signal transfer for the second video signal in the shift register by turning on the switches when a comparison between data to be displayed of the first video signal and data to be displayed of the second video signal shows that data to be displayed of the first video signal are identical with data to be displayed of the second video signal,
wherein each of the switches is connected to an input portion of a corresponding flip-flop circuit of the flip-flop circuits,
wherein the first video signal and the second video signal are to display two consecutive rows of a same image;
wherein n is a natural number,
wherein m is a natural number, and
wherein i is a natural number no less than 2 and no more than n.

REFERENCES and REJECTION

The Examiner rejected claims 1–9 and 19–27 under 35 U.S.C. § 103(a) based upon the teachings of Tanada (US 2004/0130542 A1; Jul. 8, 2004), Maekawa (US 5,708,455; Jan. 13, 1998), and Ilcisin (US 5,978,052; Nov. 2, 1999).

ANALYSIS

Appellant contends the Examiner erred in combining the same signal taught by Maekawa with the selecting of switches of Tanada, as "there is no reason or motivation for this modification in light of the teachings for Tanada (see e.g. paragraph [0012])" (App. Br. 16). Particularly, Appellant contends the proposed modification of Tanada would be contrary to Tanada's teachings in paragraph 12, because the output of a pulse in the Examiner's modified scanning circuit would no longer start from an arbitrary stage and end at an arbitrary stage (*id*.). Thus the modification would render Tanada unsatisfactory for its intended purpose (App. Br. 17) and change the principle of operation of Tanada's scanning circuit (App. Br. 18). We do not agree.

We agree with and adopt the Examiner's findings as our own (Final Act. 3–7; Ans. 2–7). We initially note Appellant has not addressed the Examiner's findings except to essentially state there is no motivation to combine. Our reviewing court has reaffirmed that:

> an implicit motivation to combine exists not only when a suggestion may be gleaned from the prior art as a whole, but when the "improvement" is technology-independent and the combination of references results in a product or process that is more desirable, for example because it is stronger, cheaper, cleaner, faster, lighter, smaller, more durable, or more efficient . . . . In such situations, the proper question is whether the ordinary

> artisan possesses knowledge and skills rendering him *capable* of combining the prior art references.

DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co., 464 F.3d 1356, 1368 (Fed. Cir. 2006). Here, Appellant has merely stated there is no motivation because the "proposed modification of the scanning circuit of Tanada to select the switches of Tanada using a same signal as allegedly taught by Maekawa changes the principle of operation of the scanning circuit of Tanada," making the output of the pulse in the scanning circuit no longer start from an arbitrary stage and end at an arbitrary stage (*see* Ans. 2–3 citing App. Br. 17–18). Appellant, however, has not explained why or how this change would occur. Nor has Appellant presented sufficient evidence or argument to persuade us that making these modifications would have been "uniquely challenging or difficult for one of ordinary skill in the art" or "represented an unobvious step over the prior art" *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418–19).

Further, we agree with the Examiner's provided reasoning to combine the references in the manner claimed: "It would be obvious to one of ordinary skill in the art at the time of the invention to select the switches of Tanada using a same signal as taught by Maekawa because it allows for selecting flip-flop circuits using a single shift register" (Ans. 3; *see also* Final Act. 5). Tanada discloses the switches but is silent as to how they are controlled and Maekawa discloses a same signal controls switches, thus the combination would have been obvious in light of Maekawa's same control signal provided to every flip-flop (Ans. 5). Appellant does not address these findings.

We also agree with the Examiner that Tanada's intended purpose is discussed in paragraph 10; we find this purpose to be the same as that of Appellant's invention (Ans. 6). As articulated by the Examiner, "using the same signal to control the driving circuit switches, as taught by Maekawa, does not render Tanada unsatisfactory for its intended purpose since controlling the switches does not add to power consumption . . . and they do not enlarge the size of the driver circuit" (*id.*).

In light of the above, we find the Examiner has sufficiently articulated a rational basis to support a finding of obviousness. Thus, we sustain the Examiner's rejection of claims 1–9 and 19–27, argued together.

DECISION

The Examiner's decision rejecting claims 1–9 and 19–27 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).

<u>AFFIRMED</u>