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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* BRETT BRACEWELL BONNER, TITUS ARTHUR JONES,  
THOMAS GONSIOROWSKI, and TORSTEN VOLKER PLATZ

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Appeal 2015-003695  
Application 13/734,443  
Technology Center 2400

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Before ALLEN R. MacDONALD, ADAM J. PYONIN, and  
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–5 and 7–25. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> Appellants identify Sunrise R&D Holdings LLC, as the real party in interest. App. Br. 2.

## THE INVENTION

Appellants' invention relates to "display shelves for displaying products and, more specifically, to display shelf modules with projectors for displaying product information and modular shelving systems comprising the same." Spec. ¶ 2.

Exemplary independent claim 1 is reproduced below.

1. A modular shelving system comprising:

a shelf support frame comprising a back plane portion and a base portion;

a display shelf module removably coupled to the back plane portion of the shelf support frame, the display shelf module comprising:

a top panel, a bottom panel, a rear panel and side panels, the top panel, bottom panel, rear panel and side panels defining an interior volume of the display shelf module;

a display panel affixed to a front of the display shelf module opposite the rear panel, the display panel extending in a width direction of the front of the display shelf module;

a floating frame positioned within the interior volume of the display shelf module and affixed to the rear panel of the display shelf module, the floating frame comprising a base spaced apart from the top panel and the bottom panel; and

at least one projector disposed in the interior volume of the display shelf module and positioned on the base of the floating frame such that the at least one projector is spaced apart from the top panel and the bottom panel of the display shelf module in which it is disposed, wherein the at least one projector is arranged to project an optical signal towards a front of the display shelf module and onto a back surface of the display panel of the display shelf module in which the at least one projector is disposed such

that image data is visible on a front surface of the display panel;

wherein, the display shelf module is removably coupled to the back plane portion of the shelf support frame such that the display shelf module is vertically positionable on the back plane portion of the shelf support frame.

#### REFERENCES and REJECTIONS

1. Claims 1–5, 7–10, 13–25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Horii (US 7,696,897 B2, Apr. 13, 2010) and Edney (US 6,995,906 B2, Feb. 7, 2006) and Gambello (EPO 0105577 A1, Apr. 18, 1984).
2. Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Horii, Gambello, Edney, and Kleitsch (US 2007/0287413 A1, Dec. 13, 2007).

#### ANALYSIS

##### *A. Claim 1*

The Examiner finds Horii teaches or suggests:

[A]t least one projector disposed in the interior volume of the display shelf module. . . wherein the at least one projector is arranged to project an optical signal towards a front of the display shelf module and onto a back surface of the display panel of the display shelf module in which the at least one projector is disposed

as recited in claim 1. Specifically, the Examiner finds Horii teaches that a projector can be mounted in different parts of a shelf and that this mount is “a floating frame” for the projector of Horii. Final Act. 8 (citing Horii Fig. 2A, 13–18). The Examiner further finds the projector in Horii is inside the

bottom part (the base) of the shelf unit and projects images on the front surfaces of the shelf unit. Final Act. 9 (citing Horii Figs. 13–18). In making these findings, the Examiner’s interprets “display shelf module” broadly enough to include “embodiments such as the compound shelving unit or the base shelf as in Horii.” Ans. 8 (citing Horii Figs. 13–18).

Appellants argue that:

If the Examiner were to consider the entire apparatus [i.e. the entire compound shelving unit] of Horii as the ‘display shelf module,’ as proposed in the Examiner’s Answer, then the Horii reference would not teach or fairly suggest the ‘shelf support frame’ to which the display shelf module is removably coupled.

Reply Br. 3–4. Similarly, if the Examiner considers the base shelf as the display shelf module, Appellants argue “the base ‘**B**’ does not have a display screen and, as such, cannot be characterized as a display shelf module, as recited in claim 1.” App. Br. 24. This is because, according to Appellants:

[T]he light from the projector **110** of Horii is directed out of the base ‘**B**’ and into the shelves ‘**S**’ . . . . As such, the light from the projector **110** of Horii is not projected onto the display panel (or screen) of the display shelf module in which the projector is disposed, as required by claim 1.

App. Br. 26.<sup>2</sup>

We agree with Appellants. The Examiner takes a broad interpretation of “display shelf module” to include “the compound shelving unit or the base shelf” displayed in Figures 2A and 13–18 of Horii. Ans. 8. If it is assumed that the Examiner maps Horii’s compound shelving unit (i.e., the

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<sup>2</sup> Appellants present additional arguments directed to the Examiner’s rejection of independent claim 1 in their Briefs. However, because the identified argument is dispositive as to claim 1, we do not reach the merits of these additional arguments.

entire shelving unit) to the “display shelf module” of claim 1, we agree with Appellants that such a mapping leads to inconsistencies because the Examiner also identifies the compound shelving unit as mapping to the “shelf support frame” of claim 1. *See* Final Act. 7 (citing Fig. 2A). The Examiner does not provide sufficient explanation of how Horii’s shelving unit, illustrated in Figures 2A and 13–18, could be said to teach both the “shelf support frame” and the “display shelf module” limitations of claim 1.

Similarly, if it is assumed that the Examiner maps the base shelf of Horii to the “display shelf module” of claim 1, then, as Appellants point out, the base shelf does not include a projector “arranged to project an optical signal towards a front of the display shelf module and onto a back surface of the display panel of the display shelf module in which the at least one projector is disposed,” as recited in claim 1. *See* App. Br. 26. Instead, the projector in the base shelf projects images out of the base and onto the front surfaces of other shelves of the unit which do not have projectors inside them. *See* Horii Figs. 2A, 15, 16.

Although Horii, Gambello, and Edney may, when combined, contain sufficient information to teach or suggest the elements of claim 1, we find the Examiner has not provided a sufficient rationale to explain how the cited art should be combined to avoid the inconsistencies identified by Appellants. Thus, constrained by the record before us, we do not sustain the Examiner’s rejection of independent claim 1 and its dependent claims. We also do not sustain the Examiner’s rejection of independent claim 19, which recites a “display shelf module . . . for engaging with a . . . shelf support frame” and was rejected under substantially the same basis as claim 1, and its dependent claims. *See* Final Act. 18.

*B. Claim 22*

The Examiner rejects claim 22 based on the same rationale as claim 1. Final Act. 18. Unlike claim 1, however, claim 22 recites “a shelf portion” and “a detachable projector unit removably coupled to the shelf portion . . . .” App. Br. 61 (Claims App’x). The Examiner appears to interpret “a detachable projector unit” as synonymous with the “display shelf module” of claim 1. Ans. 11 (explaining that claim 22’s “detachable projector unit” comprises “a display panel,” “a floating frame,” and “at least one projector,” and that claim 1’s “display shelf module” also comprises a “display panel,” “a floating frame,” and “at least one projector.”).

Appellants argue “the Examiner has not specifically addressed the claim 22 limitation of *a detachable projector unit removably coupled to the shelf portion.*” App. Br. 42. We agree. Even if claim 22’s projector unit is commensurate with claim 1’s display shelf module, the Examiner has not made findings addressing how the cited art teaches or suggests a detachable projector unit “removably coupled to the shelf portion.” Accordingly, we do not sustain the Examiner’s rejection of claim 22 and its dependent claims.

DECISION

The Examiner’s rejections of claims 1–5 and 7–25 are reversed.

REVERSED