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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARTIN ELDRIDGE

Appeal 2015-004976
Application 12/792,165
Technology Center 2600

Before THU A. DANG, MATTHEW J. McNEILL, and SCOTT E. BAIN,
Administrative Patent Judges.

DANG, *Administrative Patent Judge.*

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–3, and 6–18. Claims 4 and 5 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

According to Appellant, the invention relates “generally to computing devices and systems” and “more specifically, to a Touchscreen Interfacing Input Accessory System and Method” (Spec. ¶ 2, ll. 3–5).

B. ILLUSTRATIVE CLAIM

1. An assembly for providing input to, or accepting output from a programmable computer, said programmable computer comprising a display monitor for displaying visible images thereon and detecting user touches directly thereto, the assembly comprising:

an interface module, comprising:

a first housing;

an attachment element associated with said first housing for attaching said first housing directly to said display monitor touch-sensitive surface;

an input/output element defined by an input element portion and an output element portion physically associated with said first housing, said input element portion attached directly to, and cooperating with said touch-sensitive display monitor surface to simulate direct user touches thereto, and said output element portion cooperating with said visible image display portion to convert said monitor-displayed visible images into computer-readable data; and

at least one input/output device, each said input/output device comprising:

a second housing in spaced relation to said first housing; and

a communications conduit linking said interface module to said input/output devices, whereby said input element portion generates said simulated direct user touches responsive to a user input to a said input/output device and said input/output device receives computer-readable data from said programmable computer responsive to said output element portion detecting monitor-displayed visible images.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Robbins	US 5,421,590	June 6, 1995
Jaeger et al.	US 2008/0042993 A1	Feb. 21, 2008
Jaeger et al.	US 8,199,114 B1	June 12, 2012
Twain	US 8,199,114 B1	June 12, 2012

Claims 1–3, and 6–13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the teachings of Jaeger ‘114, Jaeger ‘993, and Robbins.

Claims 14–18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the teachings of Jaeger ‘114, Robbins and Jaeger ‘993.

II. ISSUES

The principal issues before us are whether the Examiner erred in finding that the combination of Jaeger ‘114, Jaeger ‘993, and Robbins teaches or suggests an “interface module” comprising a “first housing” and an “input/output element”; and at least one “input/output device” comprising a “second housing in spaced relation to said first housing;” whereby “said input/output device receives computer-readable data from said programmable computer responsive to said output element portion [of the input/output element] detecting monitor-displayed visible images” (claim 1).

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Jaeger '114

1. Jaeger '114 discloses joysticks removably adhered to a touch screen that is used to emulate their respective functions (Abst.).

Jaeger '993

2. Jaeger '993 discloses a sensor pad input system for use with an electronic display screen that includes a transparent sensor pad overlying the display and at least one tactile input device removably secured to the sensor pad (Abst.).

3. Figure 14 is reproduced below:

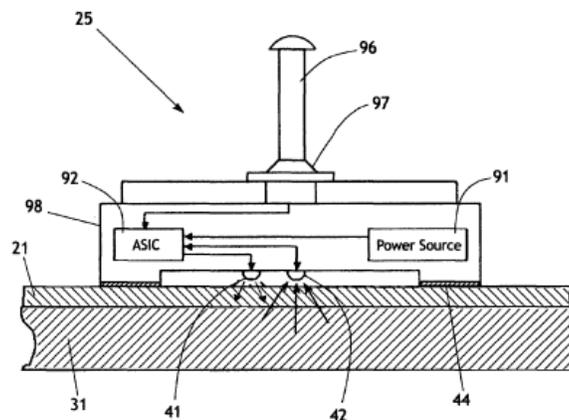


FIG. 14

Figure 14 shows a joystick embodiment 25 of the input device which comprises a housing 98 secured to a sensor pad 21 that overlays a display screen 31 by a layer 44 of releasable adhesive, and emitter/receptor 41 and 42 directed downward from the housing 98 to inject a coded IR signal into the sensor pad 21 and to receive light from adjacent pixels of display 31, respectively. The coded signal is injected by the IR emitter 41 into the sensor pad light pipe and received by the sensors, resulting in the joystick physical inputs being detected and decoded and transmitted to the electronic device that is operatively associated with the display screen 31. (¶ 40). The

pad 21 is placed directly in front of the display screen so that user inputs may be detected and transmitted to an electronic device that is operatively connected to the display screen. (¶ 21).

Robbins

4. Robbins discloses a plurality of joysticks/controllers plugged into a processing unit coupled to a video monitor (col. 2, ll. 25–36; Fig. 1).

IV. ANALYSIS

Appellant contends the claimed invention as set forth in claim 1 allows users to provide input to and receive input from “a computing device” by “attaching an interface module to the touch-sensitive screen 10 of a computer device,” the interface module being “housed within a first housing, and is interconnected to one or more input/output devices 70 by communication cable 72,” wherein the input/output devices 70 can be “joysticks” in “spaced relation to the interface module 62, and are housed in separate physical housings from one another” (App. Br. 8). Based on the record before us, as discussed in further detail below, we are unpersuaded of error with the Examiner’s finding that Jaegar ‘993 (FF 2–3), in combination with Jaegar’ 114 (FF 1) and Robbins (FF 4), teaches or at least suggests the limitations of claim 1.

Here, we have considered all of Appellant’s arguments and evidence presented. However, we agree with the Examiner’s findings, and are unpersuaded of error in the Examiner’s conclusion that the claims would have been obvious over the combined teachings.

Appellant contends Jaegar ‘114 “does not suggest either (a) user input to a device that is separate, and in spaced relation to the screen-attached touch actuator,” or “a device that can receive visual outputs from the display

monitor, and convert them into computer-readable data” (App. Br. 10–11). Appellant also contends that Jaegar ‘993 “creates light actuations” rather than “touch actuations,” and that the references “do not suggest an ‘output element portion’ associated with a housing, such as is depicted in Applicant’s item 68 of Figure 3B” (App. Br. 11).

Appellant’s contentions appear to be directed to what each reference individually discloses or suggests (App. Br. 7–11), rather than what the *combination* of the references teaches or would have suggested to one of ordinary skill in the art. *See In re Keller*, 642 F.2d 413 (CCPA 1981); *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). As the Examiner points out, “one cannot show nonobviousness by attacking references individually where the rejections are based on the combinations of references” (Ans. 3).

Furthermore, we give the claim its broadest reasonable interpretation consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). However, “limitations are not to be read into the claims from the specification.” *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citations omitted). Although Appellant contends that the references “do not suggest an ‘output element portion’ associated with a housing, such as is depicted in Applicant’s item 68 of Figure 3B” (App. Br. 11), we will not read such example embodiment “depicted” in the figures of the Specification into the claims. Instead, we will give the claims their broadest, reasonable interpretation as specifically recited, consistent with the Specification.

We note that although Appellant also contends Jaegar ‘114 does not disclose or suggest “user input to a device that is *separate*, and *in spaced*

relation to the screen-attached touch actuator” (App. Br. 10–11, emphasis added), we note the claims and the Specification do not define “in spaced relation” (claim 1). In fact, the claims do not even require the housings to be “separate” housings (App. Br. 10–11). As the Examiner points out, “‘separate’ and ‘screen-attached touched actuator’ are not currently present in the claim language” (Ans. 3).

Jaeger ‘114 discloses a joystick removably adhered to a touch screen that is used to emulate its functions (FF 1). Jaeger ‘993 similarly discloses at least one joystick removably adhered to a tactile pad/screen that is used to emulate its function, wherein the joystick is separate and spaced from the tactile pad/screen by a layer of releasable adhesive (FF 2–3). Giving “in spaced relation” its broadest reasonable interpretation, we find both Jaeger ‘114 and Jaeger ‘993 disclose and suggest a second housing “in spaced relation” to a first housing.

Nevertheless, as the Examiner points out, the Examiner relies on Robbins to disclose and suggest “an interface device in spaced relation, and interconnected by a communication cable to an input/output device [such as a joystick]” (Ans. 4–5). We find no error with the Examiner’s finding that the combination of Jaeger ‘114, Jaeger ‘993 and Robbins discloses and suggests the contested limitation.

Jaeger ‘114 discloses a joystick removably adhered to a touch screen that is used to emulate their respective function (FF 1). We find no error with the Examiner’s reliance on Jaeger ‘114’s touch screen for disclosing an “input element portion” that generates “simulated direct user touches” (*id.*).

Furthermore, Jaeger ‘993 discloses a joystick embodiment removably adhered to a sensor pad/display screen which comprises an emitter-receptor

directed downward for injecting a signal into the sensor pad/display screen and receiving light from adjacent pixels of the display, resulting in the joystick physical inputs being detected and decoded and transmitted to the electronic device that is operatively associated with the sensor pad/display screen (FF 3). That is, Jaeger ‘993’s joystick is similar to Appellant’s invention as summarized by Appellant (App. Br. 8), wherein Jaeger ‘993 provides two-way communication of information (FF 3). The Examiner finds, and we agree, Jaeger ‘993 “discloses a device that can receive visual outputs from the display monitor” and “convert them into computer-readable data” (Final Rej. 3; Ans. 3).

Accordingly, we find no error with the Examiner’s reliance on Jaeger ‘114 and Jaeger ‘993 for teaching and suggesting “input/output device” that “receives computer-readable data from said programmable computer responsive to said output element portion [of the input/output element] detecting monitor-displayed visible images,” as required by claim 1.

Thus, we agree with the Examiner’s finding that the combination of references teaches or suggests the contested claim limitations. On this record, we are unconvinced of Examiner error in the rejection of independent claim 1, and claims 2, 3, and 6–13, not argued separately and thus falling therewith, over Jaeger ‘114, Jaeger ‘993, and Robbins.

As for claims 14–18, Appellant repeats the argument that the references do not suggest “an interface device in spaced relation” or “an input/output device” (App. Br. 12). However, as discussed above, we find no error with the Examiner’s finding that the combination of references discloses and suggests the contested limitations. On this record, we also

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affirm the rejection of claims 14–18 over the combination of Jaeger ‘114, Robbins and Jaeger ‘993.

V. CONCLUSION AND DECISION

We affirm the Examiner’s rejections of claims 1–3 and 6–18 under 35 U.S.C. § 103(a).

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).

AFFIRMED