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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KEIZO OHTA, TAIYO HARA, and MASAAKI TATSUMI

Appeal 2015-006055
Application 13/093,553
Technology Center 2600

Before CARLA M. KRIVAK, JEREMY J. CURCURI, and SHARON FENICK, *Administrative Patent Judges*.

CURCURI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–27. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

Claims 1–6, 9, and 16–26 are rejected under 35 U.S.C. § 102(a) as anticipated by Brenneman (US 2010/0177047 A1; July 15, 2010). Final Act. 2–8.

Claims 7, 8, 10–15, and 27 are rejected under 35 U.S.C. § 103(a) as obvious over Brenneman and Ohta (US 2010/0225583 A1; Sep. 9, 2010). Final Act. 9–18.

We affirm.

STATEMENT OF THE CASE

Appellants' invention relates to "information processing performed by an information processing apparatus including two housings." Spec. ¶ 1. Claim 1 is illustrative and reproduced below:

> 1. An information processing apparatus comprising:
>
> a first housing including an orientation detector configured to detect aspects of orientation; and
>
> a second housing including a first screen section configured to display an image, the second housing being connected to the first housing such that a relative orientation of the second housing with respect to the first housing can be changed,
>
> the information processing apparatus configured to perform display processing for the first screen section in the second housing based on a value obtained by adding an offset to detected data output by the orientation detector, in the first housing, which aspects of orientation are calculated based on the detected data.

ANALYSIS

THE ANTICIPATION REJECTION OF CLAIMS 1–6, 9, AND 16–26 BY BRENNEMAN

Claims 1, 4–6, 9, and 16–26

The Examiner finds Brenneman describes all limitations of claim 1. Final Act. 3 (citing Brenneman ¶¶ 18–20); *see also* Ans. 2–3.

Appellants present the following principal arguments:

> i.
>
> Brenneman thus describes determining the orientation of a touch screen by using a controller connected to the sensor within the touch screen. Brenneman does not determine the orientation of a first touch screen based on an orientation detected by an orientation detector housed in a second touch

> screen. Nor does Brenneman apply an offset to the detected value of an orientation detector in a housing of another display.

App. Br. 13–14; *see also* Reply Br. 2–4.

ii. "Brenneman combines information from an orientation detector in the other display with that of another sensor in order to determine the relative orientation between the displays." App. Br. 14 (citing Brenneman ¶ 20). "Brenneman thus does not apply an offset from the orientation detected by a second display to determine the orientation of a first display." App. Br. 14.

We are not persuaded of error in the contested findings of the Examiner.

The Examiner finds Brenneman's (Figure 1) display 4 with sensor 30 describes the recited (claim 1) "a first housing including an orientation detector." Final Act. 3. The Examiner finds Brenneman's (Figure 1) display 14 describes the recited (claim 1) "a second housing including a first screen section." Final Act. 3. The Examiner finds Brenneman (¶¶ 19–20 (sensor 30 determining physical orientation of screen 6 of display 4 relative to a physical orientation of screen 16 of display 14)) describes the recited (claim 1) "perform display processing for the first screen section in the second housing based on a value obtained by adding an offset to detected data output by the orientation detector." Final Act. 3. We agree with and adopt these findings as our own.

Contrary to Appellants' argument (i), Brenneman describes determining the orientation of screen 16 of display 14 based on sensor 30. *See* Brenneman ¶ 19 ("Based on the point of reference [established from sensor 30], controller 26 determines the physical orientation of first touch screen 6 and, as a consequence, the physical orientation of second touch

screen 16."). Further, because the orientations of the first touch screen 6 and the second touch screen 16 are not identical, Brenneman discloses the offset as a difference between the orientations (Brenneman ¶¶ 19, 20—determining relative orientation between displays). Claim 1 does not specify further details of the offset. Thus, Brenneman's arrangement describes the claim language, as broadly recited.

Regarding Appellants' argument (ii), Brenneman (¶ 20) discloses: "Second sensor 34 is operatively connected to controller 26 and, in combination with sensor 30 determines a physical orientation of first touch screen 6 relative to second touch screen 16." Nonetheless, a skilled artisan would have understood that Brenneman's disclosures in ¶ 19 describe the claim limitations as broadly recited, as discussed above. Put another way, Brenneman ¶ 19 describes controller 26, with input from sensor 30, determining the physical orientation of first touch screen 6 and the physical orientation of second touch screen 16.

We, therefore, sustain the Examiner's rejection of claim 1, as well as claims 4–6, 9, and 16–26, which are not separately argued with particularity.

Claim 2

The Examiner finds Brenneman describes all limitations of claim 2. Final Act. 4 (citing Brenneman ¶¶ 19–20); *see also* Ans. 3–4.

Appellants present the following principal argument:

> Brenneman does not allow a user to input information indicating the relative orientation of the displays, let alone set a value of an offset based on this input information. At best, Brenneman explains that an image of the user can be used to determine a point of reference in which the point of reference is used to calculate orientation of the first and second displays.

App. Br. 15; *see also* Reply Br. 4–5.

We are not persuaded of error in the contested findings of the Examiner.

The Examiner finds Brenneman's disclosure of using an image from sensor 30 to establish a point of reference describes the recited (claim 2) "enable a player to input relative orientation information indicating the relative orientation of the second housing with respect to the first housing." Final Act. 4 (citing Brenneman ¶ 19). The Examiner further finds Brenneman's sensor 34 describes the recited (claim 2) "set the value of the offset." Final Act. 4 (citing Brenneman ¶ 20). We agree with and adopt these findings as our own.

Contrary to Appellants' argument, the image from sensor 30 in Brenneman does allow a user to input information because the user is able to move touch screen system 2; thus, the image from sensor 30 results from actions of the user. Further, Brenneman (¶ 20) discloses: "Second sensor 34 is operatively connected to controller 26 and, in combination with sensor 30 determines a physical orientation of first touch screen 6 relative to second touch screen 16." Thus, sensor 34 in combination with sensor 30 sets the value of the offset based on the input information from the user (image from sensor 30). Similar to claim 1, claim 2 also does not specify further details of the offset.

We, therefore, sustain the Examiner's rejection of claim 2.

Claim 3

The Examiner finds Brenneman describes all limitations of claim 3. Final Act. 4–5 (citing Brenneman ¶¶ 18–20); *see also* Ans. 4.

Appellants present the following principal argument:

> Brenneman does not enable a player to input relative orientation information including a value indicating a relative opening angle of one housing with respect to another housing. At best, Brenneman uses the point of reference to determine orientation of each screen. However, using the point of reference does not correlate to actually determining the relative opening angle (e.g., 90°, 180°). That is, Brenneman fails to disclose or suggest that "the player is enabled to input, as the relative orientation information, a value indicating a relative opening angle of the second housing with respect to the first housing," as required by dependent claim 3.

App. Br. 16–17; *see also* Reply Br. 5.

We are not persuaded of error in the contested Examiner's findings.

The Examiner finds Brenneman's sensors 30 and 34 describe the recited (claim 3) "the player is enabled to input, as the relative orientation information, a value indicating a relative opening angle of the second housing with respect to the first housing." Final Act. 5 (citing Brenneman ¶¶ 19–20). We agree with and adopt this finding as our own.

Contrary to Appellants' argument, the image from sensor 30 results from actions of the user. *See* Brenneman ¶ 19. The image from sensor 30 indicates a relative opening angle of the second housing with respect to the first housing. Claim 3 does not specify any further details of the value.

We, therefore, sustain the Examiner's rejection of claim 3.

THE OBVIOUSNESS REJECTION OF CLAIMS 7, 8, 10–15, AND 27 OVER BRENNEMAN AND OHTA

The Examiner finds Brenneman and Ohta teach all the limitations of claim 27. Final Act. 16–18; *see also* Ans. 4–5.

Appellants present the following principal arguments:

> i. Brenneman is not estimating the orientation of one housing based on orientation information provided from equipment (e.g., inertial sensors) in another housing, as well as an offset that is determined based on the opening angle between first and second housings. In fact, Brenneman does not appear to at all apply an offset to an orientation value of one housing, let alone apply an offset derived from the angle in which the housings are opened with respect to each other.

App. Br. 17–18; *see also* Reply Br. 6–7.

> ii. Ohta does not estimate the orientation of one housing based on orientation information provided from equipment (e.g., inertial sensors) in another housing, and an offset that is determined based on the opening angle between first and second housings. Nor would Ohta describe such features as Ohta is not at all directed to an apparatus having first and second housings spatially separated by an angle of opening where the angle of opening between the two housings is used to determine an offset value.

App. Br. 19.

We are not persuaded of error in the contested Examiner's findings. Nor are we persuaded of error in the Examiner's conclusion of obviousness.

The Examiner finds Brenneman teaches all limitations of claim 27, except for the recited (claim 27) "control a viewpoint of a virtual camera," for which the Examiner relies on Ohta. Final Act. 16–18. We agree with and adopt these findings as our own. The Examiner reasons and concludes:

> At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the information processing apparatus of *Brenneman* to include the viewpoint change based on the input object's orientation of *Ohta* because such a modification is the result of combining prior art elements according to known methods to yield predictable results. More specifically, the information processing apparatus of *Brenneman* as modified by the viewpoint change based on the input object's orientation of *Ohta* can yield a predictable result of having device capable of using housing orientation to affect the viewpoint of the display.

Final Act. 18. We agree with and adopt these reasons and conclusion as our own.

Contrary to Appellants' argument (i), and as noted *supra* with respect to claim 1, Brenneman describes determining the orientation of screen 16 of display 14 based on sensor 30. *See* Brenneman ¶ 19. Further, because the orientations of the first touch screen 6 and the second touch screen 16 are not identical, Brenneman discloses the offset as a difference between the orientations. The image from sensor 30 indicates a relative opening angle of the second housing with respect to the first housing. *See* Brenneman ¶ 19. Further, sensor 34 in combination with sensor 30 sets the value of the offset. *See* Brenneman ¶ 20.

Regarding Appellants' argument (ii), these argued limitations are taught by Brenneman. *See* Brenneman ¶¶ 19–20. The Examiner does not rely on Ohta for these argued limitations; rather, the Examiner relies on Brenneman. *See* Final Act. 16–18; Ans. 5. Thus, Appellants' arguments do not take into account what the *collective teachings* of the prior art would have *suggested* to one of ordinary skill in the art and are therefore ineffective to rebut the Examiner's prima facie case of obviousness. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

We, therefore, sustain the Examiner's rejection of claim 27, as well as claims 7, 8, and 10–15, which are not separately argued with particularity.

ORDER

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

AFFIRMED