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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KAZUKI HIROSE, TSUTOMU ARAKI,
RYUTARO TAKAHASHI, and TOMOHIRO FUJII

Appeal 2015-006469
Application 13/404,515
Technology Center 2600

Before CARLA M. KRIVAK, HUNG H. BUI, and
JEFFREY A. STEPHENS, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–19. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' invention is directed to a method and system that "can switch a display of an image between a planar-view display and a stereoscopic display" (Spec. ¶ 1; Abstract).

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

1. A non-transitory computer-readable storage medium having stored therein an information processing program executed by a computer of a display control apparatus which displays an image on a display section in either of planar-view display or stereoscopic display, the information processing program causing the computer to operate as:

a switching section configured to switch a display setting which is a setting of whether to perform planar-view display or stereoscopic display by the display section, in accordance with an operation of a user;

a setter configured to set image display by the display section to a state of being restricted to the planar-view display or a state of not being restricted to the planar-view display; and

a display controller configured to switch the image display by the display section to the planar-view display or the stereoscopic display in accordance with the display setting which is set by the switching section, when the image display by the display section is set to the state of not being restricted to the planar-view display, and to cause the display section to perform planar-view display of an image even if the display setting in accordance with an operation of a user is a setting to perform stereoscopic display, when the image display by the display section is set to the state of being restricted to only the planar-view display.

REFERENCES and REJECTION

The Examiner rejected claims 1–19 under 35 U.S.C. § 103(a) based upon the teachings of Yoshida (WO 2010/007787 A1, Jan 21, 2010; corresponding to US 2011/0187832 A1, Aug. 4, 2011),¹ Muzina (US 2011/0172917 A1; July 14, 2011), and King (US 2012/0139816 A1; June 7, 2012).

ANALYSIS

With respect to claim 1, the Examiner finds Muzina restricts a personal navigation device to a two-dimensional (2D) display mode (planar view display) when the device connects to a vehicle cradle port, and allows a three-dimensional (3D) display mode (stereoscopic display) when a pedestrian carries the device, thereby teaching setting an image display to a state of being restricted to a planar-view display or a state of not being restricted to the planar-view display (stereoscopic view) as claim 1 recites (Final Act. 4 (citing Muzina ¶ 22)). The Examiner further finds Muzina “does not expressly disclose that the two dimensional display mode is maintained even if the display setting . . . is a setting to perform stereoscopic display,” but relies on King for disclosing “the display device has the ability to override the user’s selections or pre-configured settings,” thus teaching or suggesting this limitation (Final Act. 5 (citing King ¶ 27)).

Appellants contend King does not teach or suggest a 2D display mode “is maintained even if the display setting in accordance with an operation of a user is a setting to perform stereoscopic display” (Reply Br. 3). Appellants

¹ Throughout this opinion, citations to Yoshida refer to paragraphs in US 2011/0187832.

assert King only discloses “overriding a selection of a type of a display device,” not “overriding the user’s selection of a type of display mode” (App. Br. 14; Reply Br. 3). We do not agree.

Rather, we agree with and adopt the Examiner’s findings as our own (Final Act. 3–18; Ans. 19–23). We provide the following for additional support. We agree with the Examiner’s finding that King’s router overrides the user’s selections or pre-configured settings by displaying critical information closer to the driver’s direct line of sight or by displaying only critical safety-related visual cues to the driver (*see* King ¶¶ 27–29; Ans. 20–21). That is, King discloses “[t]hose skilled in the art will appreciate that the router 112 may override the user’s selections or pre-configured settings” (*see* King ¶ 27), the user’s selections including “the driver’s choice of display mode” (*see* King ¶ 25), teaching or at least suggesting overriding a user’s selection of a display mode (Ans. 20–21; Advisory Act. 2 (dated Aug. 15, 2014)). Thus, combining King’s override of a user display mode selection with Muzina’s teaching of setting a restricted planar-view display or allowing stereoscopic display suggests causing a display section to perform planar-view display of an image even if the display setting is in accordance with an operation of a user to perform stereoscopic display, as recited in claim 1 (Ans. 20–21; Final Act. 5).

Appellants further contend the Examiner’s combination of Yoshida and King is improper because Yoshida and King “are concerned with two completely different aspects of 3D/2D operation” (Reply Br. 4; App. Br. 15). In particular, Appellants assert one of ordinary skill would not have looked to King to modify the display control apparatus of Yoshida/Muzina because a driver’s safety (*see* King ¶ 27) is “not affected by whether the display is

2D or 3D” as in Yoshida and Muzina (App. Br. 15; Reply Br. 3). We are not persuaded by Appellants’ arguments as the Examiner provides articulated reasoning for combining the teachings of King with those of Yoshida and Muzina to improve a user’s visual display experience—a concern shared by King, Yoshida, and Muzina (Ans. 21–22 (citing Yoshida ¶ 776; King ¶ 27); Final Act. 5 (citing Muzina ¶ 7); *see also* Muzina ¶ 21).

Thus, Appellants have failed to clearly distinguish the claimed invention over the prior art relied on by the Examiner. We therefore sustain the Examiner’s rejection of independent claim 1, independent claims 17–19 argued for substantially the same reasons, and dependent claims 4–16 for which no separate arguments are provided (App. Br. 15).

With respect to dependent claim 2, Appellants contend King does not teach or suggest a user operation input satisfying a predetermined condition and “setting of a particular display mode, i.e., ‘the state of not being restricted to only the planar-view display’”; rather, King’s operation input effects only “selection of a particular display device” (Reply Br. 4–5). We are not persuaded. Rather, we agree with the Examiner that King’s monitored parameters teach an operation input satisfying a predetermined condition, as required by claim 2 (Ans. 22 (citing King ¶¶ 21, 25)). Additionally, as discussed *supra* with respect to claim 1, King teaches a user’s operation input sets a display mode that may subsequently be overridden (*see* King ¶¶ 25 (discussing “driver’s choice of display mode”), 27). Accordingly, we sustain the Examiner’s rejection of claim 2.

With respect to dependent claim 3, Appellants contend the Examiner relies on Muzina for most of the claimed features except the claim feature of a display controller restricting display of the image to the planar-view

display regardless of the display setting by the switching section (Final Act. 6, 7; App. Br. 18). Although the Final Action at page 5 states, with respect to independent claim 1, Muzina does not teach maintaining a planar-view display against a user setting to perform stereoscopic display (App. Br. 18), as discussed *supra* with respect to claim 1, we are not persuaded King in combination with Muzina and Yoshida does not teach this claim limitation.² Accordingly, we also sustain the Examiner's rejection of claim 3.

DECISION

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

AFFIRMED

² We find the Examiner's oversight in omitting King from the discussion of the rejection of claim 3 (Final Act. 6–7) is harmless error. We interpret the rejection of claim 3 to include the King reference as relied on in rejecting claim 1, from which claim 3 depends.