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PHILIPS INTELLECTUAL PROPERTY & STANDARDS 465 Columbus Avenue Suite 340 Valhalla, NY 10595			JONES, HEATHER RAE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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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* FETZE PIJLMAN, SIEBE TJERK DE ZWART, and  
MARCELLINUS PETRUS CAROLUS MICHAEL KRIJN

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Appeal 2015-006954  
Application 13/380,164  
Technology Center 2400

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Before ERIC S. FRAHM, CARL L. SILVERMAN,  
and NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 2 and 4–15.<sup>1</sup> Claim 3 is cancelled. We have jurisdiction over the pending rejected claims under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> Appellants identify Koninklijke Philips Electronics N.V. as the real party in interest. (App. Br. 2.)

## THE INVENTION

Appellants' disclosed and claimed invention is directed to an autostereoscopic display device including a display panel having an array of display pixels for producing a display and an imaging arrangement for directing different views to different spatial positions. (Spec. 1.)

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A multi-view autostereoscopic display device for providing at least a first and second 3D mode, the autostereoscopic display comprising:

a display panel (3) having an array of display pixel elements (5) for producing a display, the display pixel elements being arranged in rows and columns; and

an imaging arrangement (9) which directs the output from different pixel elements to different spatial positions to enable a plurality of stereoscopic images to be viewed from different locations,

wherein the imaging arrangement comprises a first polarization-sensitive lenticular array (50) and a second (52) polarization-sensitive lenticular array, wherein the light incident on the imaging arrangement is controllable to have one of two possible polarizations prior to said light being received by the imaging arrangement, wherein for the first polarization of the light incident on the imaging arrangement (9), the first polarization-sensitive lenticular array (50) operates in pass through mode and the second polarization-sensitive lenticular array (52) operates in lensing mode, and for the second polarization of the light incident on the imaging arrangement (9), the first polarization-sensitive lenticular array (50) operates in lensing mode and the second polarization-sensitive lenticular array (52) operates in pass through mode, such that each respective one of the two possible polarizations gives one of the at least first and second 3D modes.

## REJECTIONS

The Examiner rejected claims 1, 2, 4–7, 11, 14, and 15 under 35 U.S.C. § 102(b) as being anticipated by Ijzerman et al. (US 2008/0316380 A1, pub. Dec. 25, 2008). (Final Act. 3–8.)

The Examiner rejected claims 8–10 under 35 U.S.C. § 103(a) as being unpatentable over Ijzerman and Krijn et al. (US 2008/0259233 A1, pub. Oct. 23, 2008). (Final Act. 8–10.)

The Examiner rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Ijzerman and Woodgate et al. (US 2006/0152812 A1, pub. July 13, 2006). (Final Act. 10–12.)

## ISSUE ON APPEAL

Appellants’ arguments in the Appeal Brief present the following dispositive issue:<sup>2</sup>

Whether the Examiner erred in finding Ijzerman discloses the independent claim 1 limitation, “the light incident on the imaging arrangement is controllable to have one of two possible polarizations prior to said light being received by the imaging arrangement,” and the similar limitation recited in independent claim 15. (App. Br. 5–7.)

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<sup>2</sup> Rather than reiterate the arguments of Appellants and the findings of the Examiner, we refer to the Appeal Brief (filed Dec. 17, 2014); the Reply Brief (filed July 21, 2015); the Final Office Action (mailed July 17, 2014); and the Examiner’s Answer (mailed May 22, 2015) for the respective details.

## ANALYSIS

For the limitation at issue, the Examiner relies on the disclosure in Ijzerman of an autostereoscopic display device using lenticular arrays made up of glass substrates with transparent electrodes that, via voltage applied to the electrodes, control the optical properties of liquid crystal material sandwiched between the substrates. (Final Act. 4; Ijzerman Figs. 9B, 9C, ¶¶ 53–56, 64, 65.)

Appellants argue:

Ijzerman fails to teach each of the features of claim 1. Ijzerman discloses a system with two switchable lenticulars in series. By switching one into a pass through mode and the other to a lensing mode, two different lens functions can be implemented. However, these lens functions are not selected by controlling the incident polarization.

(App. Br. 5.) In response, the Examiner cites the disclosure in Ijzerman where, in regard to the operation of the above described lenticular arrays, “the change in refractive index of the liquid crystal material 49 is only for light having a particular polarization.” (Ans. 11; Ijzerman ¶ 57.)

We agree with Appellants. The disclosure relied on by the Examiner in Ijzerman is similar to the prior art described in the background section of the Specification, in which the polarized light incident on the lenticular arrays is kept constant — i.e., “having a particular polarization” — while the optical qualities of the arrays are changed. In contrast, the claim element at issue requires the polarization of the incident light to be controllable. (Spec. Figs. 1–3, p. 9, l. 9–p. 10, l. 2; *see* Reply Br. 3.) Ijzerman does not disclose this.

Therefore, on the record before us, we are constrained to find the Examiner errs in rejecting independent claims 1 and 15.

### CONCLUSIONS

For the reasons stated above, we do not sustain the anticipation rejection of claims 1 and 15. We also do not sustain the rejections of claims 2 and 4–14, which claims are dependent from claim 1.

### DECISION

We reverse the Examiner's rejections of claims 1, 2 and 4–15.

REVERSED