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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HSIAO-LONG CHIANG

Appeal 2016-000809
Application 12/662,788
Technology Center 2600

Before CARL W. WHITEHEAD JR., JON M. JURGOVAN, and AARON W. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant[1] appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–4 and 6–19, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

THE INVENTION

The application is directed to a cursor control device. (*See* Abstract.) Claim 1, reproduced below, is illustrative:

> 1. A cursor control device adapted for controlling a cursor on a display screen of an electronic device, comprising:
>
> a circuit module holder, said circuit module holder having an accommodation space defined therein and an opening on a top side thereof for exposing said accommodation space;
>
> a sleeve having a tube shape that is sleeved onto said circuit module holder and movable leftwards and rightwards overtop said circuit module holder and rotatable forwards and backwards around said circuit module holder; and
>
> a circuit module accommodated in said accommodation space of said circuit module holder, said circuit module comprising a circuit board, a sensor module connected to said circuit board for sensing light reflected by said sleeve and received through said opening so as to determine the direction and amount of movement of said sleeve relative to said circuit module holder and producing a signal indicative of the direction and amount of movement of said sleeve relative to said circuit module holder, a microprocessor in communication with said sensor module for receiving the signal produced by said sensor module and producing a control signal for controlling said cursor on said

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[1] Appellant identifies assignee Chen-Min Hung as the real party in interest. (*See* App. Br. 3.)

> display screen subject to the signal received from said sensor module, and a control switch disposed inside said circuit module holder and being in communication with said microprocessor and movable downwards to produce a triggering signal when said sleeve is pressed by the user.

THE REFERENCES

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

Shinokura	US 2005/0248530 A1	Nov. 10, 2005
Chen	US 2006/0061549 A1	Mar. 23, 2006
Bidiville et al.	US 2007/0069088 A1	Mar. 29, 2007
No et al.	US 2007/0273548 A1	Nov. 29, 2007
Schelling et al.	US 2008/0278444 A1	Nov. 13, 2008

THE REJECTIONS[2]

1. Claims 1–4, 6–10, 13, 14, and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Schelling and Chen. (*See* Final Act. 5–13.)

2. Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Schelling, Chen, and No. (*See* Final Act. 13–15.)

3. Claim 15 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Schelling, Chen, and Bidiville. (*See* Final Act. 15–16.)

4. Claims 16–18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Schelling, Chen, and Shinokura. (*See* Final Act. 16–18.)

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[2] Rejections of claims 1 and 19 under 35 U.S.C. § 112, first paragraph, have been withdrawn. (*See* Ans. 2.)

ANALYSIS

Appellant argues that the rejections are in error because the combination fails to disclose or suggest "a control switch disposed inside said circuit module holder and movable downwards to produce a triggering signal when said sleeve is pressed by the user." (*See* App. Br. 12–14.) We do not agree.

The Examiner finds that Schelling teaches the limitations of claim 1, including a control switch disposed inside said circuit module holder and being in communication with said microprocessor, except that it "does not appear to specifically disclose a control switch . . . movable downwards to produce a triggering signal when said sleeve is pressed by the user." (*See* Final Act. 5–7.) However, the Examiner further finds that Chen teaches a switch composed of two parts, switch rod 51 and switch 52, where the switch rod is movable downwards to produce a triggering signal. (*See* Final Act. 7 ("[0031] and figure 7 refer to a finger impart a downward pressure to the shank 32 to further compress the cone 332, thereby causing the switch rod 51 to trigger the respective switch 52").)

Appellant argues that "Chen's switch rod 51 is simply a rod and not a switch." (App. Br. 13.) This is not persuasive of error because the Examiner does not find the switch rod 51 to be the claimed switch. Instead, the Examiner finds that it is the combination of the downwardly movable "switch rod 51" and the stationary "switch 52" that corresponds to the claimed "control switch," the broadest reasonable interpretation of which encompasses a device with multiple components. (*See* Final Act. 5–7; Ans. 2–4.)

Moreover, the Examiner correctly observes that Chen, in which the two parts cooperate as the switch, is essentially the same arrangement as that described in Appellant's Specification, where the switch is actuated by one structure moving downwards and a cooperating structure that remains stationary. This is shown in Figures 6 and 7, annotated below:

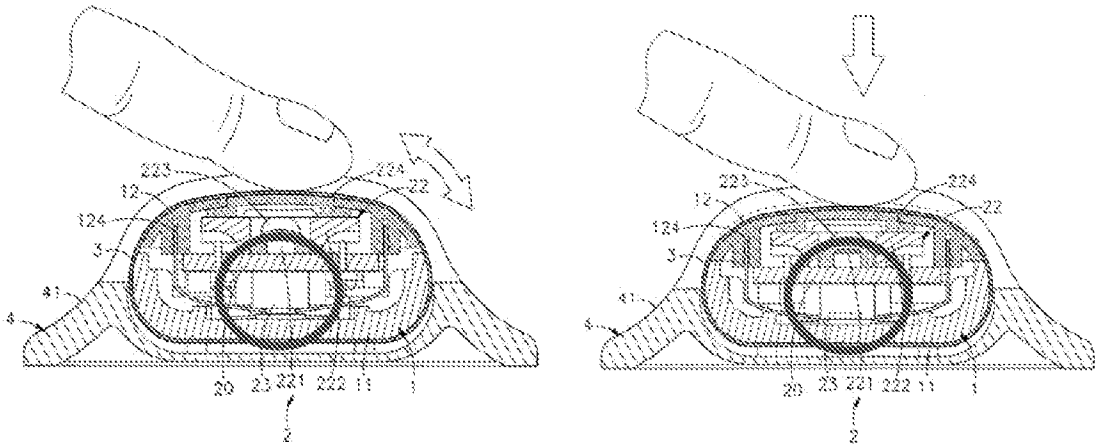

FIG.6 FIG.7

Cross-Sectional Figures 6 and 7 of the Specification

Because we find Appellant's contentions regarding the claimed switch insufficient to show Examiner error, and as Appellant does not offer additional arguments, we sustain the 35 U.S.C. § 103(a) rejections of claims 1–4 and 6–19.

DECISION

The rejections of claims 1–4 and 6–19 are 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