



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/476,405	09/03/2014	Kazuhisa Matsui	S1459.71757US00	1041
23628	7590	02/20/2018	EXAMINER	
WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			CASCHERA, ANTONIO A	
			ART UNIT	PAPER NUMBER
			2612	
			NOTIFICATION DATE	DELIVERY MODE
			02/20/2018	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patents_eOfficeAction@WolfGreenfield.com
WGS_eOfficeAction@WolfGreenfield.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KAZUHISA MATSUI

Appeal 2017-007163
Application 14/476,405¹
Technology Center 2600

Before MARC S. HOFF, MATTHEW R. CLEMENTS, and
SCOTT E. BAIN, *Administrative Patent Judges*.

BAIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–7 and 9–16, which constitute all claims pending in the application. Claim 8 has been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ Appellant identifies the real party in interest as Sony Corporation. App. Br. 2.

STATEMENT OF THE CASE

The Claimed Invention

The claimed invention relates to image processing and, specifically, to color temperature correction in a display. Spec. 1–2. Claims 1 and 9 are independent. Claim 1 is illustrative of the invention and the subject matter of the appeal, and reads as follows:

1. An image signal processing circuit comprising:
 - a storage unit that stores a number of set values, which determine correction values for performing correction of color temperature of an input digital image signal, that is less than a number of gradations; and
 - a computation unit that calculates correction values for performing the correction of color temperature on the basis of the set values for gradations for which a set value is stored in the storage unit, and on the basis of post-correction gradation values of gradations for which a set value is stored for gradations for which a set value is not stored in the storage unit.

App. Br. 12 (Claims App.).

The Rejections on Appeal

Claims 1–5, 7, 9, and 14–16 stand rejected under pre-AIA 35 U.S.C. § 102(a) as being anticipated by Chang et al. (US 8,497,943 B2; issued July 30, 2013) (“Chang”). Final Act. 3–8.²

² The Examiner has withdrawn the rejection of claims 15 and 16 under pre-AIA 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention. Final Act. 2; Ans. 2.

Claims 6 and 10–13 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Chang. Final Act. 8–9.

ANALYSIS

We have reviewed the Examiner’s rejection in light of Appellant’s arguments presented in this appeal. Arguments which Appellant could have made but did not make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). On the record before us, we are unpersuaded the Examiner has erred. We adopt as our own the findings and reasons set forth in the rejections from which the appeal is taken and in the Examiner’s Answer, and provide the following for highlighting and emphasis.

Anticipation of Claims 1 and 9

Appellant argues the Examiner erred in finding Chang discloses calculating correction values for performing “the correction of *color temperature*,” as recited in claim 1.³ App. Br. 5–8 (emphasis added). Specifically, Appellant contends Chang’s disclosure of “gamma correction” is not “color temperature” correction, and that “a person of ordinary skill in the art would have understood that gamma correction and color temperature correction are not the same.” *Id.* at 7. Appellant further argues Chang “never even mentions color temperature” nor its synonym, “hue.” *Id.* at 6; Spec. 1. Appellant’s arguments, however, do not persuade us the Examiner erred.

³ Appellant argues independent claims 1 and 9 as a group, App. Br. 5–8, and we choose claim 1 as representative of the group. *See* 37 C.F.R. § 41.37(c)(1)(iv).

As the Examiner finds, Chang discloses a circuit for “gamma correction of red *color* channels[,] gamma correction of green *color* channels [and] gamma correction of blue *color* channels.” Chang col. 1, ll. 16–20 (emphasis added); *see also* Chang col. 2, ll. 8–11 (“gamma correction for each of the *color* channels”) (emphasis added). Because Chang describes “gamma correction” as a process that corrects each (RGB) *color* channel, the Examiner finds one of ordinary skill in the art would understand Chang’s gamma correction as including color temperature (hue) correction, notwithstanding the absence of the word “temperature” in Chang. Resp. 3; *see also In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990) (observing that anticipation “is not an *ipsissimis verbis* test”). We agree. Moreover, Appellant’s Specification (like Chang) equates “gamma correction” with the correction of color temperature, and thus further supports the Examiner’s finding that Chang’s “gamma correction” includes color temperature correction. Resp. 3; Spec. 12 (“gamma adjustment unit 66 is a *color temperature correction unit* that performs the correction of color temperature by performing level adjustment for each color of the RGB digital image signal”) (emphasis added).

Appellant argues the Specification’s use of the phrase “gamma adjustment” is a “mere label” and is only “one example . . . of a unit that performs correction of color temperature.” App. Br. 8; Reply 4. Appellant argues the Examiner erred in reading this “example” into the claims. App. Br. 8. Appellant’s argument, however, necessarily suggests the “example” of gamma correction is within the (broader) category of color temperature correction. Accordingly, the broadest reasonable interpretation of “correction of color temperature,” as recited in claim 1, includes “gamma

correction.” *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (finding we must give claim terms their “their broadest reasonable interpretation consistent with the specification”). Appellant does not persuade us, therefore, that the Examiner erred in finding Chang discloses “correction of color temperature” (e.g., gamma correction), as recited in claim 1.

For the foregoing reasons, we sustain the Examiner’s rejection of claims 1 and 9 as anticipated by Chang.

Anticipation of Claim 7

Appellant argues the Examiner erred in finding Chang discloses correction of color temperature “by adding a calculated correction value to a signal value of a digital image signal,” as recited in dependent claim 7. App. Br. 8; Reply Br. 6. Appellant’s argument, however, does not persuade us of error.

As the Examiner finds, Chang discloses an interpolation process, including an equation adding a stored value to an input (video image) signal, in order to produce a new “output data value” (video image signal). Resp. 6; Chang col. 5, ll. 46–51. The stored value is, therefore, a “correction” value added to the input image signal. Resp. 6. Appellant argues that the foregoing equation “merely represents ‘the output data value after interpolation process,’” not the disputed claim limitation. App. Br. 8. Appellant does not explain, however, why Chang’s interpolation process is not a correction as recited in the claim. *Id.*; *see In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (interpreting the Board’s rules to “require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not

found in the prior art”). To the extent Appellant intends to imply a “color temperature” correction value is absent from Chang, this argument is unpersuasive for the reasons discussed above in the context of claim 1, from which claim 7 depends.

Accordingly, we sustain the Examiner’s rejection of dependent claim 7 as anticipated by Chang.

Anticipation of Claim 14

Appellant argues the Examiner erred in finding Chang discloses “set values for determining the correction values *are set specifically for the display apparatus,*” as recited in dependent claim 14. App. Br. 9 (emphasis added); Reply Br. 6–7. Appellant’s argument, however, does not persuade us of error.

As the Examiner finds, Chang discloses a “video signal transformation circuit,” i.e., a circuit that corrects a signal specifically to display the converted signal on a display apparatus. Resp. 6; Chang col. 3, ll. 10–16. Appellant argues Chang’s transformation circuit does not differentiate between different displays, because the transformation is the “same for any display apparatus.” App. Br. 9. The differentiation feature argued by Appellant, however, is not recited in claim 14. *See In re Self*, 671 F.2d 1344, 1348 (CCPA 1982) (“Many of appellant’s arguments fail from the outset because . . . they are not based on limitations appearing in the claims.”); Resp. 6–7. Claim 14, rather, recites values set specifically for “the display apparatus” (i.e., the display apparatus of claim 9). App. Br. 15; *see In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d at 1364. Chang, likewise, discloses a transformation with values set specifically for “the display apparatus [i.e., Chang’s display apparatus].” Resp. 7.

Accordingly, we sustain the Examiner's rejection of dependent claim 14 as anticipated by Chang.

Anticipation of Claims 15 and 16

Appellant argues the Examiner erred in finding Chang discloses "correction values for performing the correction of color temperature for gradations of a first color for which a set value is not stored in the storage unit based on post-correction gradation values of gradations of a second color for which a set value is stored," as recited in dependent claims 15 and 16. App. Br. 9; Reply Br. 7. Specifically, Appellant argues Chang discloses "nothing about the *correction of color temperature*" for gradations of "a first color" based on post-correction gradation values of "a second color." App. Br. 9 (emphasis in original). Appellant's arguments, however, do not persuade us of error for reasons similar to those discussed in the context of claims 1 and 14.

As the Examiner finds, Chang discloses a circuit and techniques for "the correction of color temperature." *See supra* at 3–4. The Examiner further finds Chang discloses the correction is accomplished by interpolation, such that a color correction value not found in a lookup table is computed "by alternate values," i.e., the correction values for second colors that *are* stored in the table. Resp. 7; Chang Fig. 4, col. 5, ll. 18–63. Appellant has not identified the alleged error in the Examiner's findings, but instead merely quotes the disputed claim language and asserts it is absent from Chang. App. Br. 9; Reply Br. 7. Accordingly, we are unpersuaded of error. *See In re Lovin*, 652 F.3d at 1357.

For the foregoing reasons, we sustain the Examiner's rejection of dependent claims 15 and 16 as anticipated by Chang.

Obviousness of Claims 10 and 11

Appellant argues the Examiner erred in finding it would be “an obvious design choice” for one of ordinary skill in the art to use “organic electroluminescence elements” for light-emitting units, as recited in claim 10, and to use such elements that “emit white light and color filters” as recited in claim 11. App. Br. 10; Reply Br. 8. Appellant contends the Examiner’s findings are “conclusory” and not a “convincing line of reasoning as to why one of ordinary skill in the art would have found the claimed feature[s] to be obvious.” App. Br. 10. We disagree.

In the Final Action (and the Answer), the Examiner provides a detailed explanation setting forth why the claimed features would be obvious to one of ordinary skill in the art, in light of the color correction teachings of Chang. Final Act. 8–9; Ans. 8–9. The Examiner finds, for example, it is well known in the art that the process of performing color temperature correction is “applicable to a variety of different display devices,” and a person of ordinary skill would understand “the driving techniques of Chang” may be implemented with various different displays, including a “display configure[d] with organic electroluminescence elements that emit white light and have color filters.” Resp. 8. The Examiner further finds Appellant’s Specification confirms display type is not critical to the invention because “various types of displays are possible for implementation.” Resp. 9; Spec. 8, 10 (stating “[e]xamples of flat surface type display apparatuses include organic EL display apparatuses” among others, and it is “possible to adopt” various configurations including one that emits “white light and color filters”).

Appellant does not rebut the Examiner's findings, but simply repeats the argument that the Examiner "has not provided any reasoning" as to the obviousness rejection. App. Br. 10; Reply Br. 8. For the foregoing reasons, this argument does not persuade us of error. *See In re Lovin*, 652 F.3d at 1357; *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) ("attorney argument [is] not the kind of factual evidence that is required to rebut a prima facie case of obviousness").

Accordingly, we sustain the Examiner's rejection of dependent claims 10 and 11 as unpatentable over Chang.

Rejections of Remaining Claims

Appellant does not argue remaining dependent claims 2–6 and 12–13 separately from independent claims 1 and 9. Accordingly, for the reasons set forth above, we sustain the rejection of claims 2–5 as anticipated by Chang and the rejection of claims 6, 12, and 13 as unpatentable over Chang.

DECISION

We affirm the Examiner's rejection of claims 1–7 and 9–16.

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED