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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SHILPA JAYARAMAIAH

Appeal 2017-009315
Application 14/487,392[1]
Technology Center 2600

Before THU A. DANG, JOHN A. EVANS, and SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–6 and 8–10, which constitute all of the claims pending in this application. Claims 7 and 11–14 are cancelled. Adv. Act. 1; App. Br. 13, 14 (Claims App.) We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] Appellant identifies Siemens AG and Siemens Technology and Services Pvt, Ltd. as the real parties in interest. App. Br. 2.

THE INVENTION

The disclosed and claimed invention is directed "display devices and more particularly to a display device adapted for energy conservation." Spec. ¶ 1.

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

> 1. A display device comprising:
>
> a display unit comprising a matrix of light-emitting elements, each light-emitting element of the matrix of light-emitting elements illuminating at least one display pixel on said display unit; and
>
> a processing unit configured to execute a runtime application, said runtime application comprising at least one graphical user interface, and said at least one graphical user interface comprising a plurality of graphical objects;
>
> wherein the processing unit is further configured to individually assign a rendering mode to at least one of said plurality of graphical objects, said rendering mode comprising one of a normal rendering mode and a power-saving rendering mode;
>
> wherein the processing unit is further configured to regulating an illumination intensity of at least one light-emitting element corresponding to said graphical object based on active rendering mode thereof;
>
> wherein each graphical object is assigned a grid layout property, said grid layout property being assigned a parameter value, and said parameter value assigned to said grid layout property being set to indicate coordinates of a minimum bounding rectangle enclosing said graphical object; and
>
> wherein said processing unit is further configured to determine a set of light-emitting elements corresponding to said graphical object based on the grid layout property assigned to said graphical object and to regulate the illumination intensity of the set of light emitting elements corresponding to said graphical object.

REFERENCES

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

Plut	US 2007/0002035 A1	Jan. 4, 2007
Forstall	US 2008/0218535 A1	Sept. 11, 2008
Betts-LaCroix	US 2010/0149223 A1	June 17, 2010
Chaji	US 2012/0293481 A1	Nov. 22, 2012

Chulwoo Lee *et al.*, "Power-Constrained Contrast Enhancement for OLED Displays Based on Histogram Equilization," Proceedings of 2010 IEEE 17th International Conference on Image Processing, 1689–92 (2010) (hereinafter "Lee").

REJECTIONS

Claims 1, 2, and 8–10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Betts-LaCroix in view of Plut, Forstall, and Chaji. Final Act. 2–11; Adv. Act. 2.

Claims 3–6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Betts-LaCroix in view of Plut,[2] Forstall, Chaji, and Lee. Final Act. 12–18.

ANALYSIS

We have reviewed the Examiner's rejection in light of Appellant's arguments that the Examiner erred. In reaching this decision, we have considered all evidence presented and all arguments made by Appellant.[3]

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[2] Although the heading omits Plut, the rejections rely on Plut in combination with the other references. *See*, *e.g.*, Final Act. 12.

[3] Rather than reiterate the entirety of the arguments of Appellant and the positions of the Examiner, we refer to the Appeal Brief (filed January 23, 2017); the Reply Brief (filed June 21, 2017); the Final Office Action (mailed

We are not persuaded by Appellant's arguments regarding claims 1–10, and we incorporate herein and adopt as our own: (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken (Final Act. 2–11; Adv. Act. 2–3), and (2) the reasons and rebuttals set forth in the Examiner's Answer in response to Appellant's arguments (Ans. 4–8). We incorporate such findings, reasons, and rebuttals herein by reference unless otherwise noted. However, we highlight and address specific findings and arguments for emphasis as follows.

Nonobviousness cannot be established by attacking the references individually when the rejection is predicated upon a combination of prior art disclosures. *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). The test for obviousness is not whether the claimed invention is expressly suggested in any one or all of the references, but whether the claimed subject matter would have been obvious to those of ordinary skill in the art in light of the *combined teachings* of those references. *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

The majority of Appellant's arguments are directed to the references individually, focusing on limitations that the Examiner explicitly found were taught by other references. As an example, Appellant argues "*Betts-LaCroix* fails to teach or suggest that each graphical object has a grid layout property that is assigned a parameter value, where the parameter value assigned to the grid layout property is set to indicate coordinates of a minimum bounding rectangle enclosing the graphical object." App. Br. 5. However, the Examiner explicitly finds Betts-LaCroix does not teach that limitation (Final

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August 24, 2016); the Advisory Action (mailed November 3, 2016); and the Examiner's Answer (mailed April 21, 2017) for the respective details.

Act. 4; Ans. 4–5) and, instead, the Examiner finds Chaji teaches that limitation (Final Act. 6–7; Adv. Act. 2; Ans. 4–5, 7). Accordingly, Appellant's argument is not persuasive.

For one reference, Appellant's arguments are not directed to the references individually. Specifically, Appellant's argue that the Examiner erred in finding Chaji teaches or suggests "that an iconographic symbol is assigned a parameter value that is set to indicate coordinates of a minimum bounding rectangle enclosing the iconographic symbol, based on which the light emitting elements corresponding to the iconographic symbols are illuminated." App. Br. 7. Specifically, Appellant discusses in detail some of the paragraphs in Chaji cited by the Examiner in the Final Action and explain why Appellant believes they do not teach or suggest the disputed limitation. *See id.* at 7–8. With regard to the sections and figures relied on by the Examiner in the Advisory Action, Appellant merely contends "this position is not well taken" without providing any meaningful explanation. *Id.* at 8; *see also* Reply Br. 3–5 (discussing paragraphs cited in Final Action, but not those from the Advisory Action).

In the Advisory Action, the Examiner finds that Chaji teaches the disputed limitation:

> Chaji teaches the display of device is subsection into multiple separated rectangle area in Fig. 5. Chaji further teaches each subsection are separately controlled by the supply lines in Fig. 7. Chaji further teaches in Paragraph [0025], [0022] and [0038] that the emit light for the data line on the device can be programmed based on the desired amount of luminance.

Adv. Act. 2; *see also* Ans. 7. The Examiner further finds "Chaji teaches the emit light (sic) for each data line in the display device can be individually

controlled based on the desired amount in Paragraph [0025], [0022], and [0038]." Adv. Act. 2.

"If an appellant fails to present arguments on a particular issue—or, more broadly, on a particular rejection—the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection." *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Although the Examiner makes findings regarding Chaji figures 5 and 7 and paragraphs 22, 25, and 38, Appellant does not specifically address those findings with argument. Instead, Appellant merely states: "Respectfully, this position is not well taken. *Chaji* merely teaches a mechanism for regulating luminance emitted from preset subsections of a display instead of illuminating the set of light emitting elements corresponding to the graphical object that is assigned a grid layout property." App. Br. 8. Merely summarizing the claim language and making a naked assertion that the prior art does not teach the limitation, such as Appellant did in the Appeal Brief, is insufficient to raise an argument that the Examiner erred. *See In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (Rule 41.37 requires "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."); *see also* 37 C.F.R. § 41.37(c)(1)(iv) ("A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim."); *cf. In re Baxter Travenol Labs.*, 952 F.2d 388, 391 (Fed. Cir. 1991) ("It is not the function of this court to examine the claims in greater detail than argued by an appellant, looking for [patentable] distinctions over the prior art."). Therefore, we are not persuaded the

Examiner erred. Instead, we agree with and adopt the Examiner's finding as our own.

Accordingly, we sustain the Examiner's rejection of claim 1, along with claims 2 and 8–10, which are not argued separately.

With respect to dependent claims 3–6, Appellant merely contends that because Lee does not cure the shortcomings of the other references applied against claim 1, the Examiner failed to make a prima facie case of obviousness for these claims. App. Br. 8–9. Because we determine that the rejection of claim 1 is not erroneous for the reasons discussed above, we sustain the rejections of these claims.

DECISION

For the above reasons, we affirm the Examiner's decisions rejecting claims 1–6 and 8–10.

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED