



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.
13/645,790	10/05/2012	Steven C. Allen	2011P16526US01	1870

24252 7590 11/23/2018
OSRAM SYLVANIA Inc.
200 Ballardvale Street
Wilmington, MA 01887

EXAMINER

LEE, NATHANIEL J.

ART UNIT	PAPER NUMBER
----------	--------------

2875

MAIL DATE	DELIVERY MODE
-----------	---------------

11/23/2018

PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEVEN C. ALLEN¹

Appeal 2018-002422
Application 13/645,790
Technology Center 2800

Before BRADLEY R. GARRIS, CATHERINE Q. TIMM, and
MERRELL C. CASHION, JR., *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134, Appellant appeals from the Examiner's rejections under 35 U.S.C. § 103(a) of independent claims 1 and 14 as unpatentable over Shirakawa (US 2010/0244061 A1, published Sept. 30, 2010) in view of Römelt (US 2010/0039805 A1, published Feb. 18, 2010) and dependent claims 2–5, 7, 9–13, and 15–23 as unpatentable over these references alone or in combination with an additional prior art reference. We have jurisdiction under 35 U.S.C. § 6.

We AFFIRM.

¹ Appellant is the Applicant, Osram Sylvania Inc., which is identified as the real party in interest (Br. 1).

Appellant claims an arrangement of solid state light sources comprising a substrate 312 having a plurality of solid state light source sets 311 arranged thereon with each of the light source sets including a first color solid state light source chip 314 and a second color solid state light source chip 316, wherein each of the light source sets is arranged immediately adjacent at least two other light source sets and wherein the first and second light source chips alternate around an imaginary circle (independent claim 1, Fig. 3; *see also* remaining independent claim 14). The claimed arrangement also requires that subsets of the light source sets (chips) also be located on an imaginary circle and inside of the imaginary circle (independent claim 1; Fig. 3).

A copy of representative claim 1, taken from the Claims Appendix of the Appeal Brief, appears below.

1. An arrangement of solid state light sources, comprising:
 - a substrate; and
 - a plurality of solid state light source sets arranged on respective solid state light source regions of the substrate, each of the solid state light source sets including a first color solid state light source chip and a second color solid state light source chip coupled to the substrate and arranged immediately adjacent to each other, the first color solid state light source chip being configured to emit light of a first wavelength, the second color solid state light source chip being configured to emit light of a second wavelength different than the first color solid state light source chip, wherein each of the solid state light source sets is immediately adjacent at least two other solid state light source sets, wherein the solid state light source chips in at least one of the solid state light source sets are skewed relative to the solid state light source chips in at least another of the solid state light source sets, and wherein at least a subset of the solid state light source chips is located on an imaginary circle and at least a subset of the solid state light source chips is located inside of the imaginary circle, and wherein the first color solid state light

source chips and the second color solid state light source chips alternate around the imaginary circle.

Appellant does not present arguments specifically directed to the dependent claims under rejection (*see generally* Br.). Therefore, the dependent claims will stand or fall with their parent independent claims, of which claim 1 is representative.

We sustain the Examiner's rejections for the well-stated reasons expressed in the Final Office Action and in the Answer with the following comments added for emphasis.

In rejecting independent claim 1, the Examiner finds that Shirakawa discloses an arrangement of solid state light sources having each of the claimed features except for the "skewed" chips limitation (Final Action 5–6). The Examiner concludes that it would have been obvious to provide Shirakawa's arrangement with skewed chips in view of Römelt (*id.* at 6).

Appellant does not contest this obviousness conclusion but rather disputes the Examiner's findings regarding Shirakawa (Br. 4–10). For example, Appellant argues Shirakawa does not disclose light source sets that are immediately adjacent or light source chips that alternate around an imaginary circle as claimed (*id.* at 7–8) or the claimed arrangement of subsets of the solid state light source chips around and inside the imaginary circle (*id.* at 8).

Significantly, the Appeal Brief does not address the Final Action responses to corresponding arguments wherein the Examiner convincingly explains why such arguments are unpersuasive (Final Action 2–4, *see especially* 3). Because no Reply Brief has been filed, Appellant also does not address the Examiner's similar responses in the Answer to the Appeal

Appeal 2018-002422
Application 13/645,790

Brief arguments (Ans. 2–6, *see especially* 5–6). For these reasons, Appellant’s arguments do not reveal error in the Examiner’s findings regarding Shirakawa.

The decision of the Examiner 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