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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* TETSUO YOKOTA, YOSHIYUKI IWATA,  
HISANAGA TAKEDA, YOSHINORI KOYAMA, and  
MASAKI SHINOZAKI<sup>1</sup>

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Appeal 2018-008072  
Application 14/438,130  
Technology Center 2800

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Before LINDA M. GAUDETTE, JEFFREY B. ROBERTSON, and  
CHRISTOPHER C. KENNEDY, *Administrative Patent Judges*.

KENNEDY, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's decision rejecting claims 1, 2, and 4–9. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

BACKGROUND

The subject matter on appeal relates to a mirror for checking a blind spot. *E.g.*, Spec. ¶ 1; Claim 1. Claim 1 is reproduced below from the Claims Appendix of the Appeal Brief:

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<sup>1</sup> The Appellant is the Applicant, Komy Co., Ltd., which is also identified as the real party in interest. *See* App. Br. 2.

1. A mirror for checking a blind spot wherein  
a large number of linearly-extending strip reflective surfaces are arranged in a surface of a sheet to be parallel and adjacent to one another,  
an inclination angle formed between a width direction of each of the strip reflective surfaces and a surface direction of the sheet is sequentially changed with an increase in a distance in a direction transverse to an extension direction of the strip reflective surfaces,  
an aggregate of the strip reflective surfaces forms a Fresnel mirror having a cylindrical convex mirror function, and  
the sheet is attached to a curved surface of a structure with the extension direction of the strip reflective surfaces aligned with a circumferential direction of the curved surface, the structure standing in a region where a plurality of passages intersect each other in such a relationship that passers-by passing through the respective passages are blind to each other.

#### ANALYSIS

Claims 1, 2, and 4–9 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Komiyama (US 2012/0092785 A1, published Apr. 19, 2012), Minano (US 2012/0113537 A1, published May 10, 2012), and Yoshifumi (JP 2000-28810A, dated Jan. 28, 2000). The Appellant argues the claims as a group. We select claim 1 as representative, and the remaining claims will stand or fall with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

After review of the cited evidence in the appeal record and the opposing positions of the Appellant and the Examiner, we determine that the Appellant has not identified reversible error in the Examiner's rejection. Accordingly, we affirm the rejection for reasons set forth below, in the Final

Action, and in the Examiner's Answer. *See generally* Final Act. 2–9; Ans. 2–14.

The Examiner finds that Komiyama discloses a mirror for checking a blind spot that falls within the scope of claim 1 except that (1) Komiyama does not specifically disclose that its linearly-extending strip reflective surfaces are parallel to each other, (2) Komiyama's convex mirror is not specifically a cylindrical convex mirror, and (3) Komiyama does not specifically disclose that the extension direction of the strip reflective surfaces is aligned with a circumferential direction of a curved surface.

Final Act. 5–6.

As to (1), the Examiner finds that Komiyama's mirror is specifically a dome-shaped convex mirror and that, because of that shape, Komiyama's reflective surfaces are formed in concentric circles rather than parallel to each other. *E.g.*, Ans. 5–8. The Examiner finds that Minano discloses that grooved reflectors in similar applications “may have strip reflective surfaces extending in various different directions . . . such as linear/parallel . . . and the reflector itself may be bent/curved about various different directions . . . depending on the design requirements for a particular application.” *Id.* at 5–6. The Examiner finds that when the mirror is cylindrical, as suggested by Yoshifumi when attached to poles or columns, a person of ordinary skill in the art would have understood that parallel reflective surfaces, as disclosed by, e.g., Fig. 4a of Minano, are desirable to minimize unnecessary image distortion. *Id.* at 7–8. Thus, the Examiner determines that a person of ordinary skill in the art would have been motivated to use reflective surfaces that are parallel to each other in cylindrical applications involving poles or columns, such as those suggested by Yoshifumi.

As to (2) and (3), the Examiner finds that Yoshifumi teaches mounting curved reflective devices on curved support structures such as poles in order to minimize blind spots at intersections. Final Act. 6. As set forth above, the Examiner also finds that Minano teaches optimization of reflective surfaces for a variety of applications, “and the mirror itself may be bent/curved about various different directions.” *Id.* The Examiner determines that “it would have been obvious . . . to modify the mirror sheet of Komiyama in view of Minano to include the teachings of Yoshifumi so that the extension direction of the strip reflective surfaces are aligned with a circumferential direction of a curved surface at an intersection, for the purpose of minimizing blind spots for passers-by of the intersection.” *Id.*

In view of those and other findings less material to the issues on appeal, the Examiner concludes that the subject matter of claim 1 would have been obvious to a person of ordinary skill in the art.

The Appellant first argues that the Examiner’s proposed combination would not produce an undistorted image. Br. 7–10.

That argument is not persuasive. As an initial matter, we observe that claim 1 does not require an undistorted image. In any event, because the facts and rationale relied on by the Examiner provide a reasonable basis for concluding that the mirror of the combined prior art is the same as the claimed mirror, it is unclear why the mirror of the combined prior art would not produce an image the same as or similar to the image produced by the claimed mirror.

In that regard, we also observe that the Appellant’s arguments largely attack the references individually and do not persuasively address the Examiner’s combination rationale. *See In re Keller*, 642 F.2d 413, 426

(CCPA 1981) (“[O]ne cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.”). For example, the Appellant argues that “Minano describes a reflector, not a mirror.” Br. 8. The Examiner, however, relies on Komiyama for the disclosure of a mirror and on Minano for its disclosure that in similar optical applications, it is known to modify the orientation of the reflective surfaces as the particular shape and/or application requires. *See* Ans. 5–8. In any event, Minano also discloses that “[m]ultiple grooves may be combined to form a mirror covering a desired area. A mirror may be manufactured according to the design.” Minano at Abstract.

The Appellant also argues that Minano has V-shaped grooves and that the specific arrangement of Minano’s grooves would result in glare and/or image loss. Ans. 8–10. However, the Examiner does not propose the use of Minano’s specific groove shape/arrangement, and a person of ordinary skill in the art would have known that a groove shape/arrangement that results in glare and/or image loss would not have been optimal in the context of Komiyama’s mirror.

The Appellant also argues that “Yoshifumi merely wraps an ordinary mirror around an electric pole,” which would result in distortion. Br. 10. The Examiner, however, does not propose the use of Yoshifumi’s ordinary mirror; the Examiner proposes the use of the mirror of Komiyama as modified by Minano.

The Appellant also argues that if Komiyama’s Fresnel mirror were wrapped along the circumferential direction of an electric pole as proposed by the Examiner, the image of the Fresnel mirror would be distorted. Br. 10. As above, the Examiner does not propose the use of Komiyama’s

Fresnel mirror; the Examiner proposes the use of Komiyama's Fresnel mirror as modified by Minano to include reflective surfaces arranged parallel to each other.

The Appellant's arguments concerning the individual references are not persuasive because they do not meaningfully address the Examiner's combination rationale. *See Keller*, 642 F.2d at 426. We also note that, in the Examiner's Answer, the Examiner provides significant additional detail and reasoning as to why a person of ordinary skill in the art would have combined the art to achieve the subject matter of claim 1. Ans. 2–14. The Examiner's reasoning is consistent with the record and appears to be technically sound. *See id.* The Appellant does not file a Reply Brief to contest any of the Examiner's additional reasoning in the Answer.

The Appellant's repeated references to the specific problem (distortion on a curved surface) allegedly addressed by the inventors is also not persuasive of reversible error. *See Br. 7, 8, 10, 11, 12, 13, 14, 15.* “[T]he skilled artisan need not be motivated to combine [a prior art reference] for the same reason contemplated by the [inventor].” *In re Kahn*, 441 F.3d 977, 989 (Fed. Cir. 2006); *see also In re Beattie*, 974 F.2d 1309, 1312 (Fed. Cir. 1992) (“As long as some motivation or suggestion to combine the references is provided by the prior art taken as a whole, the law does not required that the references be combined for the reasons contemplated by the inventor.”).

The Appellant also argues that the Examiner has not established a reason to combine the references. Br. 11–15. However, that argument essentially repeats the arguments discussed above concerning the individual references and the specific problem addressed by the inventors. *See id.* As

set forth above, those arguments do not show error in the Examiner’s rejection, particularly in view of the fact that the Examiner’s significant additional analysis in the Answer stands unrebutted. *See* Ans. 2–14. On the record before us, the combination proposed by the Examiner is the use of known elements according to their established function to achieve predictable results. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416–21 (2007) (“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

We are not persuaded of reversible error in the Examiner’s rejection.

### CONCLUSION

In summary:

<b>Claims Rejected</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 2, 4–9	§ 103(a)	1, 2, 4–9	
<b>Overall Outcome</b>		1, 2, 4–9	

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED