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Treyz Law Group
15279 N. Scottsdale Rd., Suite 250
Scottsdale, AZ 85254

EXAMINER	
WILSON, ALLAN R	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MINHYUK CHOI, RUI LIU, CHENG CHEN, CHIN-WEI LIN, SANG Y. YOUN, SHIH CHANG CHANG, and TSUNG-TING TSAI

Appeal 2019-000107
Application 15/257,374
Technology Center 2800

Before CATHERINE Q. TIMM, DONNA M. PRAISS, AND MERRELL C. CASHION, JR., *Administrative Patent Judges.*

TIMM, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant,[1] Apple Inc., appeals from the Examiner's decision to reject claim 11 under 35 U.S.C. § 102(a)(1) as anticipated by Rappoport.[2] We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] We use the word "Appellant" to refer to "Applicant" as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Apple Inc. Appeal Br. 1.

[2] Rappoport et al., US 2013/0094126 A1, published Apr. 18, 2013.

CLAIMED SUBJECT MATTER

The claims are directed to an electronic device comprising a display and electrical components. *See, e.g.*, claim 11. The display includes a second set of pixels and the pixels of the second set include light-transmitting windows. *Id.* The electrical components are aligned with the light transmitting windows. *Id.* The meaning of "aligned" is at issue in this appeal.

Claim 11, reproduced below with the word "aligned" highlighted, is illustrative:

> 11. An electronic device, comprising:
>
> a display having an array of pixels including first and second sets of pixels, wherein each pixel has a light-emitting diode that emits light for that pixel and wherein the pixels of the second set of pixels include light-transmitting windows; and
>
> electrical components that are each *aligned* with a respective one of the light transmitting windows.

Appeal Br. 9 (claims appendix) (emphasis added).

OPINION

We affirm for the reasons provided by the Examiner and add the following primarily for emphasis.

We agree with the Examiner's interpretation of "align." Because "align" encompasses the side-by-side arrangement of Rappoport, a preponderance of the evidence supports the Examiner's finding of anticipation.

The Examiner finds that Rappoport's Figure 19 depicts an electronic device with electronic components 50 that are each aligned with light-transmitting windows 28. Final 2–3. Appellant contends that Rappoport's

interconnects 50 (electronic components) are in-between, and to the side of, openings 28 (light-transmitting windows) and, thus, electronic components 50 are not, according to Appellant, "aligned" as required by claim 11. Appeal Br. 3–4.

The question is whether Rappoport's side-by-side arrangement results in electrical components 50 "aligned" with windows 28.

"During examination, 'claims . . . are to be given their broadest reasonable interpretation consistent with the specification, and . . . claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art.'" *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (quoting *In re Bond*, 910 F.2d 831, 833 (Fed. Cir. 1990)). Thus, we first look to the Specification to determine an interpretation that corresponds with what and how the inventor describes his invention in the specification, i.e., an interpretation that is 'consistent with the specification. *In re Smith Int'l, Inc.*, 871 F.3d 1375, 1382–83 (Fed. Cir. 2017).

Looking to Appellant's Specification, we find only one use of the word "align" in the context of aligning electric components with light-transmitting windows. It is found in paragraph 8, which reads:

> An array of electrical components may be *aligned* with the transparent windows. For example, the display may have an array of light transmitting windows each of which is *aligned* with a respective light detector that measures light passing through that light transmitting window.

Spec. ¶ 8 (emphasis added). Although paragraph 8 states that the electrical components may be aligned with the transparent windows, it does not otherwise limit the alignment. The second sentence of the paragraph describes light detectors that measure light passing through the window, but

claim 1 is not limited to light detectors and the second sentence merely discloses an example, which indicates that the arrangement of the first sentence is not intended to be limited to the example of the second sentence.

Appellant's Figures 4 and 5 depict examples where electrical components 84 are light-based components and are located under pixels 22 so that the light-based components can emit or detect light that passes through windows 76. Spec. ¶¶ 40–42, 45. But the Specification indicates, again, that these are but examples; electrical components 84 may be a broad range other types of components, such as audio components, radio-frequency components, haptic components, etc. Spec. ¶ 41. Again, claim 11 does not limit the electrical components to light-based components. Nor is claim 1l limited to placing electrical components "under" pixels.

Although we consult the Specification to determine the meaning of the claim term, we take care to not limit the claim to the specific examples disclosed in the Specification when the term appears to have a broader meaning. *See In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) ("[L]imitations are not to be read into the claims from the specification.").

The Examiner cites definitions of "align" to support the Examiner's determination that "aligned" has a plain meaning that encompasses the side-by-side arrangement of Rappoport. Ans. 6. In the words of the Examiner:

> The word "aligned" is given the plain meaning by dictionaries such as vocabulary.com which defines "aligned" as "in a straight line" or collinsdictionary.com defines "align" as "[i]f you align something, you place it in a certain position in relation to something else, usually parallel to it."

Ans. 6.

Appellant does not dispute those definitions. No reply brief was filed.

Here, we agree with the Examiner that the word "aligned" has a meaning consistent with the Specification that is broader than the meaning Appellant seeks. "[T]he name of the game is the claim" and claims that sweep in the prior art are not patentable. *In re Hiniker Co.*, 150 F.3d 1362, 1369 (Fed. Cir. 1998). Appellant is free to amend the claims to obtain the meaning they seek. *See In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) ("a patent applicant has the opportunity and responsibility to remove any ambiguity in claim term meaning by amending the application.").

DECISION

The Examiner's rejection is affirmed.

DECISION SUMMARY

Claims Rejected	Basis	Affirmed	Reversed
11	§ 102(a)(1)	11	

FINALITY AND RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED