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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RYOGO ITO, SHIRO ESHITA, MEGUMI TAKAGI,
KAZUMA AKAMATSU, and AYUMI YAMAMOTO

Appeal 2019-002016
Application 14/911,126
Technology Center 2600

BEFORE JEAN R. HOMERE, MICHAEL J. STRAUSS, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–4, 6–11, and 13–19. We have jurisdiction under 35 U.S.C. § 6(b). Claims 5 and 12 were previously cancelled.

We reverse.

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 Sony Corporation of Tokyo, Japan. Appeal Br. 3.

CLAIMED SUBJECT MATTER

The claims are directed to an imaging apparatus (e.g., a digital camera) operated through a display of an information processing apparatus (e.g., a smartphone) wirelessly connected to or physically attached to the imaging apparatus. Spec. ¶¶ 6, 8, 27, 30–31.

The Specification describes “a display state of a display screen” where the display is “switched.” Spec. ¶ 8. A “switch” is a change in attachment position of the imaging apparatus on the information processing apparatus. *Id.* ¶¶ 136–137, Fig. 15 (step 922). As a result of the imaging apparatus being mounted on the display, a user is not able to view the portion where the imaging apparatus is attached. *Id.* ¶ 111. The Specification explains that the “display state” is “switched” so that the display can be seen. *Id.*

Figure 13 of the drawings is reproduced below.

FIG.13

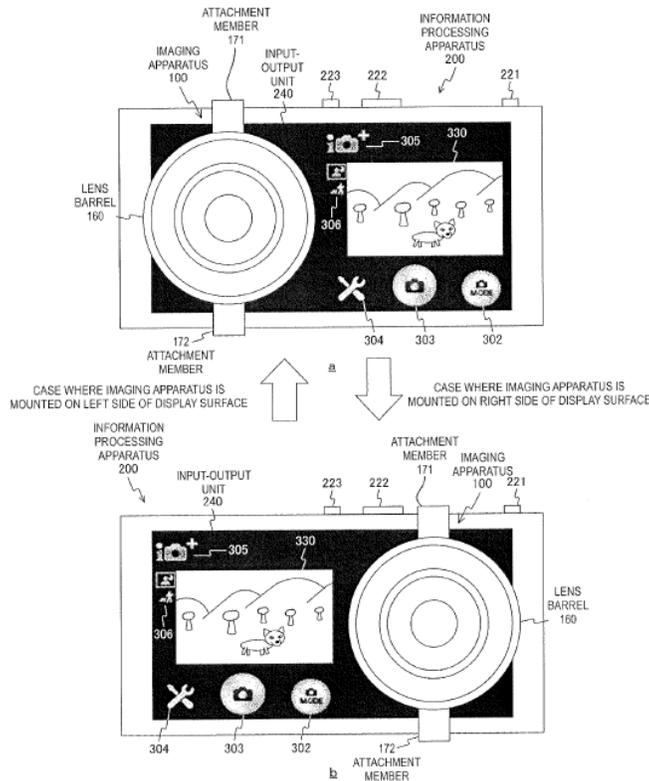


Figure 13 illustrates a display state that is switched based on where the imaging apparatus is mounted on the display surface of the information processing apparatus. Spec. ¶ 131. In “a,” the top figure of Figure 13, imaging apparatus 100 is mounted on the left side position on the display surface. *Id.* ¶ 132; *see also id.* ¶ 139 (describing Fig. 15 (step 922 (“Is There a Change in this Attachment Position”))). The information on the display is then “displayed on regions other than the region where the imaging apparatus 100 is mounted,” i.e., the right side of the display. *Id.* ¶¶ 129, 132; *see also id.* Fig. 12 (the same as “a” of Fig. 13). In “b,” the bottom figure of Figure 13, the imaging apparatus is mounted on the right side position on the

display and the display information is in the left position of the display. *Id.* ¶ 133, *see also id.* Fig. 14 (the same as “b” of Fig. 13).

Appellant states that independent claim 1 is representative of the other independent claims 8 and 15–19. Appeal Br. 10–11, 14. Accordingly, claim 1 is illustrative, and is reproduced below with disputed limitations emphasized:

1. An information processing apparatus, comprising:

a control unit which performs a first control for switching a display state of a display screen for operating an imaging apparatus based on whether or not the imaging apparatus is mounted on the display screen of the information processing apparatus on a display surface side of the information processing apparatus, and

wherein, in a case where the imaging apparatus is mounted on the display surface side of the information processing apparatus, the control unit performs the first control for *switching the display state of the display screen based on a position of the imaging apparatus on the display surface side of the information processing apparatus.*

Italicized language is in dispute.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Yumiki	US 2012/0307079 A1	Dec. 6, 2012
Anderson	US 8,587,711 B2	Nov. 19, 2013

REJECTION

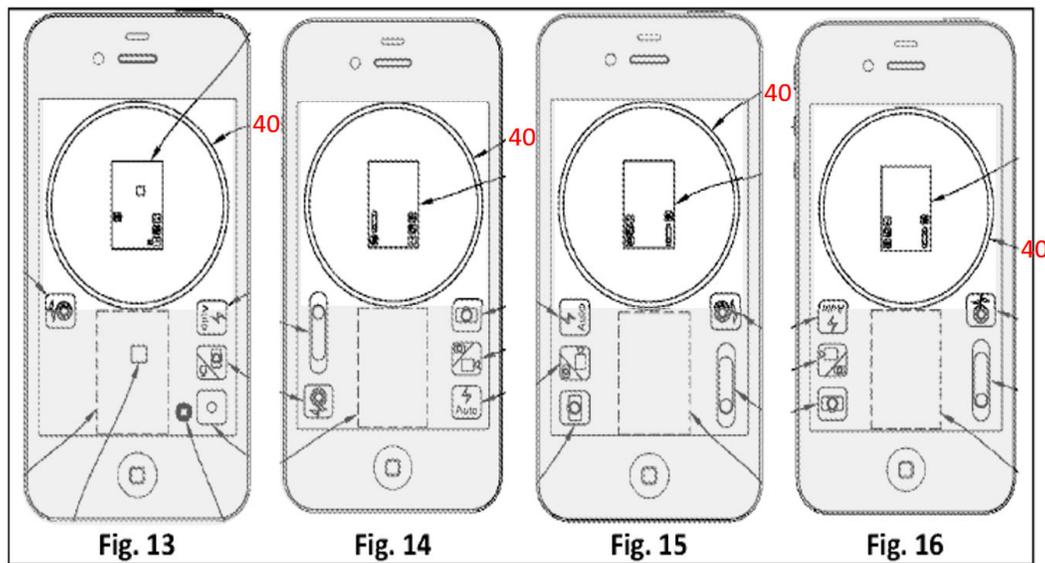
Claims 1–4, 6–11, and 13–19 are rejected under 35 U.S.C. § 103 as unpatentable over Yumiki and Anderson. Final Act. 4; Appeal Br. 9.

OPINION

Issue: Does Anderson teach “switching the display state of the display screen based on a position of the imaging apparatus on the display surface side of the information processing apparatus” as recited in Claim 1?

The Examiner relies on Anderson to teach the disputed limitation, the “switching the display state” as recited in independent claim 1. Final Act. 6 (citing Anderson Figs. 13–16). The Examiner finds that Figures 13 and 15 of Anderson show that “the layout of the information processing apparatus based on the position of the imaging apparatus, which is the eye piece in this case.” *Id.*

Appellant notes the drawing figures of Anderson do not show different positions of the eyepiece. Appeal Br. 12. Appellant reproduces the relevant parts of Figures 13–16 of Anderson at page 13 of the Appeal Brief. Appellant’s reproduction is shown below.



The partial drawing of Figures 13–16 reproduced above with eyepiece locations emphasized and eyepiece label 40 added. *See, e.g.*, Anderson Fig. 13. As depicted, eyepiece 40 of Anderson is located by the concentric circles in Figures 13–16 on a display screen. *Id.* at 5:39–42; *see also* Appeal Br. 13 (citing Anderson column 5).

Because the position of the eyepiece does not change, Appellant contends that Anderson fails to teach or suggest the switching the display state limitation. Appeal Br. 12–13. The Examiner responds that “Anderson clearly teaches that the display changes based on the ‘orientation’ of the imaging device. Change in orientation could be interpreted as a change in position as recited in the claim.” Ans. 16.

We are persuaded by Appellant’s argument. Anderson’s Figures 13–16 show that the position of the eyepiece relative to the smart phone camera display does not change. As the Examiner finds, Figures 14–16 show the smart phone in different orientations, portrait with the eyepiece at the top of the display, landscape, and portrait with the eyepiece at the bottom of the display. Anderson, 2:1–9.

We do not agree with the Examiner that a changed orientation (e.g., from portrait to landscape) teaches a switch of the display state. As explained above, a “switch” is a change to the display based on a change in attachment position of the imaging apparatus. *See* Spec. ¶¶ 136–137, Fig. 15 (step 922). The “display state,” what is displayed, is “switched” so that the display can be seen and the switch is based on the position of the imaging apparatus. *Id.* ¶ 111. Anderson’s changes of orientation do not result in any change of position of the eyepiece or anything else shown on the display. Because Appellant has shown at least one reversible error in the Examiner’s rejection, we do not reach Appellant’s remaining arguments.

For the above reasons, we do not sustain the Examiner’s rejection of independent claim 1, under 35 U.S.C. § 103. Independent claims 8 and 15–19 all recite the same limitation and are also rejected using Anderson. *See* Final Act. 10 (claim 8), 13–15 (claims 15–19); *see also* Appeal Br. 10–11 (arguing claim 1 is representative). Claims 2–4 and 6–7 depend directly or indirectly from claim 1. Claims 9–11, 13 and 14 depend directly or indirectly from claim 8. Accordingly, we do not sustain the rejection of claims 2–4, 6–7, 9–11, 13, and 14 under 35 U.S.C. § 103 for the same reasons discussed with respect to claim 1.

CONCLUSION

The Examiner’s rejection is reversed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1-4, 6-11, 13-19	103	Yumiki, Anderson		1-4, 6-11, 13-19
Overall Outcome				1-4, 6-11, 13-19

REVERSED