

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte TOSHIKAZU TAKEI and MASAO SAITO

MAILED

MAY 15 1997

Appeal No. 95-1617  
Application 07/984,674<sup>1</sup>

PAT & TM OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

HEARD: May 5, 1997

Before HAIRSTON, KRASS and CARMICHAEL, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 7, all of the claims pending in the application.

<sup>1</sup> Application for patent filed December 2, 1992.

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The invention pertains to a display device. In particular, the display is suppressed for a predetermined period of time after turning on the power supply until the display data is made definite. Further, in order to compensate for different possible data sources which use intrinsic frequencies which are different from each other, a single clock signal is converted to one of several different frequencies in response to an external clock selection signal so as to coordinate the operating frequency of the display device with that of the input information.

Representative independent claim 1 is reproduced as follows:

1. A display device, comprising:

a plurality of display elements to be driven selectively or simultaneously;

storage means for storing display data to be displayed by said display elements;

a storage control means for generating a display inhibition signal for a predetermined period of time from turning-on of a power supply till said display data of said storage means is made definite; and

a display driving control means for breaking supply of a driving current to said display elements when said storage control means is generating said display inhibition signal.

The examiner relies on the following references:

Kondo	4,278,974	Jul. 14, 1981
Miesterfeld et al. (Miesterfeld)	4,739,323	Apr. 19, 1988

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Claims 1 through 4 and 7 stand rejected under 35 U.S.C. 102(b) as anticipated by Kondo. Claims 5 and 6 stand rejected under 35 U.S.C. 103. As evidence of obviousness, the examiner cites Kondo with regard to claim 6, adding Miesterfeld with regard to claim 5.

Rather than reiterate the arguments of appellants and the examiner, reference is made to the brief and answer for the respective details thereof.

OPINION

We will not sustain either the rejection of claims 1 through 4 and 7 under 35 U.S.C. 102(b) or the rejection of claims 5 and 6 under 35 U.S.C. 103.

Turning to independent claim 1, we agree with the examiner that Kondo discloses a display device having a plurality of display elements to be driven and a storage means for storing display data to be displayed. We also agree that Kondo has a storage control means for generating a display inhibition signal and a display driving control means (the drive to the Y-electrodes is inhibited while information to be stored is being stored). However, instant claim 1 also requires that the display inhibition signal be generated "for a predetermined period of time from turning-on of a power supply till said display data of said storage means is made definite."

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There is nothing within the four corners of Kondo which mentions anything about inhibiting display for a period of time "from turning-on\_of a power supply..."

It is true that Kondo discloses inhibition signals S and T, as pointed out by the examiner. However, as seen in Kondo's Fig. 6, the signals S and T start at a zero level and do not rise above this level until some finite time after any power is turned on. Compare this with the instant claimed invention where the inhibition signal IP in Figure 1 starts out at a low level at power turn-on and, until IP reaches the proper level to turn on AND-gate 40, the pre-driver 34 will not permit operation of the display driving circuit 28. Whereas the inhibit signals in Kondo must be high in order to inhibit display, the inhibit signal, IP, in appellants' invention, as claimed, must be low, the display being enabled when signal IP is high. Thus, the instant claimed invention generates a display inhibit signal "for a predetermined period of time from turning-on of a power supply..." Since it appears that the signals S and T in Kondo do not act to blank the display in Kondo until some time after power turn-on and the examiner contends that the blanking occurs at power turn-on, without support from the disclosure of Kondo, the examiner's position amounts to mere speculation. We will not sustain an anticipation rejection under 35 U.S.C. 102(b) based on speculation.

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Since we do not sustain the rejection of claim 1 under 35 U.S.C. 102(b) as anticipated by Kondo, we also do not sustain the rejection of claim 2, dependent thereon, on the same ground.

Turning now to independent claim 3, this claim requires, inter alia, a "clock frequency converting means...for converting a frequency of said clock signal in response to an external clock selection signal..." [emphasis ours]. From pages 3 and 8 of the answer, it appears that the examiner considers the output of oscillator 10 of Kondo to be the claimed "external clock selection signal."

Initially, we note that the signal supplied from Kondo's oscillator 10 is not an "external" clocking signal. However, to the extent that it may be considered such, there is clearly no "selection" associated with this signal. The examiner never comes to grips with the "selection" aspect of the claimed clocking signal and we are unclear as to the examiner's position with regard to what makes the signal from Kondo's oscillator 10 a "selection signal."

Accordingly, since an anticipating reference must show each and every claimed element, we will not sustain the rejection of independent claim 3 under 35 U.S.C. 102(b) nor will we sustain the rejection of its dependent claims 4 and 7 on this ground. Further, we will not sustain the rejection of claim 6 under 35 U.S.C. 103 in view of Kondo since the examiner has not presented

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any reason why it would have been obvious to make the output of Kondo's oscillator 10 an "external clock selection signal."

With regard to claim 5, we will not sustain the rejection of this claim under 35 U.S.C. 103 for the reasons supra. The addition of Miesterfeld does not provide for the deficiencies of Kondo.

The examiner's decision rejecting claims 1 through 4 and 7 under 35 U.S.C. 102(b) and rejecting claims 5 and 6 under 35 U.S.C. 103 is reversed.

REVERSED

  
KENNETH W. HARRSTON  
Administrative Patent Judge )

  
ERROL A. KRASS  
Administrative Patent Judge )

  
JAMES T. CARMICHAEL  
Administrative Patent Judge )

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