

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TATSUHIRO INUZUKA, HIROYUKI MANO,  
KAZUHIRO FUJISAWA, SATOSHI KONUMA,  
KIYOSHIGE KINUGAWA AND SATORU TSUNEKAWA

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Appeal No. 95-3408  
Application 08/003,448<sup>1</sup>

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HEARD: May 6, 1998

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Before THOMAS, JERRY SMITH and BARRETT, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

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<sup>1</sup> Application for patent filed January 12, 1993. According to the appellants, this application is a division of Application 07/472,306, filed January 30, 1990, now U.S. Patent No. 5,206,635, issued April 27, 1993.

Appeal No. 95-3408  
Application 08/003,448

Appellants have appealed to the Board from the examiner's final rejection of claims 16 to 22. Since the examiner indicated the allowability of claims 16 to 18 at page 2 of the answer, only claims 19 to 22 remain on appeal.

Pertinent portions of independent claim 19 on appeal are recited below:

means for dividing said stored multi-level tone display data into N kinds of data, where N is an integer of at least 2;

a data driver for outputting N kinds of multi-level tone display data signals for one row during said one horizontal scanning period of one frame in accordance with said divided N kinds of display data.

Independent claim 21 reflects similar language in slightly different words where N is an integer of more than two.

The following reference is relied on by the examiner:

Barbier et al. (Barbier)	5,053,764	Oct. 1, 1991
		(Filed Oct. 3, 1988)

Claims 19 to 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Barbier.

Rather than repeat the positions of the appellants and the examiner, reference is made to the briefs and the answers for the respective details thereof.

OPINION

We reverse this rejection.

The above noted language reflects the disclosed feature that the data select signal 19 alternates between high and low positions each half of the horizontal period in accordance with the pulse clock 10 having a frequency twice that of the line clock 9 wherein  $N = 2$  in accordance with the operation of circuit figure 9. Stated differently, the processing provided for the multi-level tone display data common to claims 19 and 20 is that it is divided into at least two portions and all of the divided data are provided in one horizontal period of one frame to the liquid crystal display panel of claim 19 or the multi-level tone display means at the end of claim 21 on appeal.

On the other hand, the examiner's position at the bottom of page 3 of the answer indicates that Barbier requires two complete scans of the matrix display to completely apply the two kinds of multi-level display data to the display device in this reference. We are in agreement with appellants' characterization at page 4 of the reply brief that Barbier's system provides the divided data to a matrix panel in alternate frames. The abstract indicates that the memory planes in Fig. 2 are read sequentially.

Appeal No. 95-3408  
Application 08/003,448

The discussion in the first half of column 3 of Barbier indicates as well that it takes two successive scans or two successive image scans to properly display the information. We note also that col. 2, lines 39 through 43 indicate from the brief description of Figs. 3 and 4 that it takes two successive image scans to alternately extract from the memory information relating to successive pixels of an image to be displayed.

Thus, in the context of the language of claims 19 and 21 on appeal it would appear that Barbier's teachings fail to fulfill the limitation that at least two kinds of divided data are supplied for one row during one horizontal scanning of one frame. In Barbier, there are two successive image scans whereas the claims on appeal require at least two data kinds per single image scan.

Appeal No. 95-3408  
Application 08/003,448

In view of the foregoing, the decision of the examiner rejecting independent claims 19 and 21, and thus their respective dependent claims 20 and 22, must be reversed. Therefore, the decision of the examiner rejecting claims 19 to 22 under 35 U.S.C. § 102 is reversed.

REVERSED

	)	
JAMES D. THOMAS	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
JERRY SMITH	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
LEE E. BARRETT	)	
Administrative Patent Judge	)	

Appeal No. 95-3408  
Application 08/003,448

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