

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOMOSHI HIRAYAMA

Appeal No. 1996-1275
Application No. 08/229,058¹

ON BRIEF

Before KRASS, FLEMING, and HECKER, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed April 18, 1994. According to appellant, this application is a continuation of Application 07/824,207, filed January 22, 1992.

This is a decision on appeal from the final rejection of claims 1 through 10, all of the claims pending in the application.

The invention is directed to an apparatus for inputting handwritten information. Reference is made to representative independent claim 1, reproduced as follows, for an understanding of the instant invention:

1. A handwritten information input apparatus comprising:
 - a pen for inputting character information by handwriting;
 - a tablet traceable by said pen and adapted for detection of the trace information inputted by said pen;
 - a display unit provided under said tablet for displaying an image visibly through said tablet;
 - a first area defined on said tablet for inputting the trace information by said pen;
 - a first area of said display unit superimposed with said first area of said tablet displaying characters generated by pattern recognition of trace information written in said first area of said tablet;
 - a second area defined on said display unit for displaying, in response to operation of a control key, characters written in said first area and for erasing, in response to operation of said control key, said characters from said first area of said display unit;

and a controller for displaying a desired character in said first area on said display unit copied from said second area when said pen is dragged on a portion of said tablet corresponding to said desired character displayed in said second area.

The examiner relies on the following references:

Kusunuki et al. (Kusunuki) 1989	4,860,372	Aug. 22,
Sklarew 1990	4,972,496	Nov. 20,

Claims 1 through 10 stand rejected under 35 U.S.C. 103 as unpatentable over Sklarew in view of Kusunuki.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

OPINION

We reverse.

We agree with the examiner's analysis of Sklarew as it applies to the instant independent claims up to a point. That is, it is clear that Sklarew discloses a handwritten

information input apparatus that comprises a pen for inputting character information by handwriting and a tablet traceable by the pen. Sklarew also discloses a display under the tablet for displaying an image visibly through the tablet. As pointed out by the examiner, with reference to Sklarew's figures 12 A-G, the claimed first area for inputting the trace information by the pen is shown, for example, in Figure 12C wherein "98" is handwritten on the line in the window. Further, as indicated by the examiner, the claimed "first area of said display unit superimposed with said first area of said tablet..." may be read as the black area, shown in Figure 12E, for example, where a character "98" is shown inserted based on the handwritten "98" and recognized as such by pattern recognition. Also, the claimed "second area" may be the area shown in Figure 12C, for example, wherein "0.0" is shown and then replaced by "98" in Figure 12G after touching the "insert" block.

However, while the examiner urges that the last part of independent claim 1, limitations which appear in the other independent claims, is also disclosed by Sklarew, it is here that we disagree with the examiner.

Appellant argues, at page 4 of the principal brief, that the handwritten characters in Sklarew do not appear in the same area in which they are entered by handwriting, appearing, instead, in a separate box.

With regard to the handwritten characters appearing in the same area in which they are entered by handwriting, it is unclear what language in claim 1 describes this. In any event, while "98" arguably appears in a separate box above the handwritten "98" in Figures 12E and F of Sklarew, it is not unreasonable, in our view, to hold that both of these characters are "in the same area" as they both appear in the window opened up by touching the pen to the desired spot for entering data. Thus, we do not find this argument by appellant to be persuasive.

However, when it comes to the "controller for displaying..." language of the claims, we find ourselves in agreement with appellant that this is not suggested by Sklarew and the addition of Kuzunuki does not remedy the deficiency of Sklarew in this regard.

Applying Sklarew to the instant claim language, keeping in mind the examiner's interpretation of the "first area," the "first area of said display unit" and the "second area" as it relates to Sklarew, we proceed as follows:

What is required is a "controller for displaying a desired character in said first area on said display..." That is, Sklarew must display a character in the handwritten area, on the line in the window shown in figures 12A-G. Perhaps one could say that the handwritten "98" is such a desired character. However, the claim goes on to require that this desired character appearing in the first area of the display must be "copied from said second area when said pen is dragged on a portion of said tablet..." It is clear that this would require touching the pen to the displayed "98" shown in Sklarew's Figure 12G and dragging the "98" character back to the line in the window of Figure 12C, for example. Clearly, Sklarew does not move characters in this manner or in this direction. Thus, while Sklarew's device permits movement of characters from the window to the final destination to be displayed on the spread sheet, Sklarew does not contemplate

moving in the other direction, dragging the character in the spread sheet back to the window in which characters are handwritten.

Accordingly, we will not sustain the rejection of claims 1 through 10 under 35 U.S.C. 103.

The examiner's decision is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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STUART N. HECKER)	
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