

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(2) is not binding precedent of the Board.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. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHUJI ONO

Appeal No. 96-3128
Application 08/246,723¹

ON BRIEF

Before URYNOWICZ, BARRETT, and FLEMING, **Administrative Patent Judges**.

FLEMING, **Administrative Patent Judge**.

DECISION ON APPEAL

¹ Application for patent filed May 20, 1994.

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This is a decision on appeal from the final rejection of claims 1 through 27, all of the claims pending in the application.

The invention relates to an optical information processing system wherein light is utilized as a medium for carrying information. In particular, the invention is directed to an optical information processing system which utilizes a constituent unit group. Appellant discloses on page 19 of the specification that Figure 1 illustrates a constituent unit group 1 having an input information displaying means 2 which presents an optical pattern I0. The constituent unit 1 also includes a plurality of optical correlation operation means (3, 3,...). Each optical correlation operation means 3 detects only a portion of optical pattern I0 that falls within its predetermined range. The arrows shown in Figure 1 illustrate the portion of the optical pattern I0 that falls within the predetermined range of each optical correlation operation means 3.

Independent claim 1 is reproduced as follows:

1. A constituent unit for an optical information processing system, comprising:

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i) an input information displaying means for displaying information as an optical pattern in at least one dimension,

ii) a plurality of optical correlation operation means, which are located close to said input information displaying means,

wherein each of said plurality of said optical correlation operation means detects a respective portion of said optical pattern displayed by said input information displaying means, and

wherein each of said plurality of said optical correlation operation means calculates a correlation value between said portion of said optical pattern and a predetermined value and outputs said correlation value, and

iii) a plurality of electric operation means,

wherein each of said plurality of said electric operation means inputs said correlation value output from at least one of said plurality of said optical correlation operation means, and

wherein each of said plurality of said electric operation means performs an operation based on said correlation value input from said at least one of said optical correlation operation means and outputs a result of said operation.

The references relied on by the Examiner are as follows:

Peppers et al. (Peppers) 1989	4,862,511	Aug. 29,
Paek 1992	5,121,228	Jun. 9,

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Claims 1, 2, 4 and 14 stand rejected under 35 U.S.C. § 102 as being anticipated by Peppers. Claims 3, 5 through 13 and 15 through 27 stand rejected under 35 U.S.C. § 103 as being unpatentable over Peppers in view of Paek.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the briefs² and the answer for the details thereof.

OPINION

After a careful review of the evidence before us, we do not agree with the Examiner that claims 1, 2, 4 and 14 are anticipated by the applied references.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every

² Appellant filed an appeal brief on January 16, 1996. Appellant filed a reply appeal brief on June 17, 1996. The Examiner responded to the reply brief with a letter, mailed July 3, 1996, stating that the reply brief has been entered and considered but no further response by the Examiner is deemed necessary.

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element of the claim. *See In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

Appellant argues on pages 7 and 8 of the brief that Peppers fails to teach the Appellant's claimed limitations as required under 35 U.S.C. § 102. In particular, Appellant argues on

pages 13 through 17 of the brief that Peppers does not disclose each optical correlation operation means only detecting a portion of the optical pattern. Appellant points out that Peppers discloses a device in which the entire optical pattern is outputted to each correlation means 3a, 6a and 7a as shown in Peppers' Figure 1. This point is further emphasized in the reply brief.

On page 4 of the answer, the Examiner argues that Peppers teaches correlation means which receives a portion of an image pattern displayed. In particular, the Examiner directs our attention to column 1, lines 6-13.

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Upon a careful review of Peppers, we fail to find that Peppers teaches "each of said plurality of said optical correlation operation means detects a respective portion of said optical pattern displayed by said input information displaying means" as recited in Appellant's claim 1. Furthermore, we note that claims 2 through 27 recite the above limitations. Column 1, lines 6-13, the portion of Peppers that the Examiner has directed our attention, is the stated field of invention. However, this is not a teaching of a portion of the optical image being displayed is only received by the optical correlation operation means. Peppers teaches in column 7, line 68, to column 8, line 9, that the input image formed on the screen of the display 1 is received by the first lens of the array 3 and is multiplied by the image formation lenses 3a as shown in Figure 1. Peppers further teaches that the optical pattern images 5a shown in Figures 3 through 5 are formed on imaginary image formation plane 5. Thus, the entire optical pattern is outputted to each correlation means 3a, 6a and 7a shown in Peppers' Figure 1. Therefore, we find that Peppers fails to teach all of the

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LEE E. BARRETT
Administrative Patent Judge
MICHAEL R. FLEMING
Administrative Patent Judge

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