

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte KIYOSHI OTA, KOUSUKE MISONO  
and TOSHIYUKI ISHII

---

Appeal No. 97-1198  
Application No. 08/245,954<sup>1</sup>

---

ON BRIEF

---

Before URYNOWICZ, HAIRSTON, and HECKER, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 10.

---

<sup>1</sup> Application for patent filed May 18, 1994. According to appellants, the application is a division of 07/950,941, filed September 24, 1992, now U.S. Patent No. 5,331,423, issued July 19, 1994.

Appeal No. 97-1198  
Application No. 08/245,954

The disclosed invention relates to a disk player that reproduces audio and image information on a disk. The disk player includes a reset means that initializes a signal processing means in response to disk ejection.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A disc player for reproducing a disc on which image information and audio information are recorded, the disc player comprising:

disc ejecting means for ejecting the disc from the disc player:

drive means for rotating the disc;

disc drive control means for stopping the drive means of the disc in response to the disc ejecting means;

signal processing means for processing the audio information and the image information reproduced from the disc; and

reset means for initializing the signal processing means in response to the disc ejecting means ejecting the disc.

The references relied on by the examiner are:

Shimada et al. (Shimada)	4,979,048	Dec. 18, 1990
Otsubo et al. (Otsubo)	5,177,728	Jan. 5, 1993 (filed Feb. 20, 1990)

Appeal No. 97-1198  
Application No. 08/245,954

Claims 1 and 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Shimada in view of the admitted prior art.

Claims 2 through 5 and 7 through 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Shimada in view of the admitted prior art and Otsubo.

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

#### OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 10.

Shimada discloses a disk player (Figure 3) for reproducing a disk 1 on which image information and audio information are recorded. The disk player includes a disk ejector that ejects the disk from the disk player (column 4, lines 34 through 40), a spindle motor 2 and motor drive circuit 10 that rotates the disk, a disk drive controller 12

Appeal No. 97-1198  
Application No. 08/245,954

that stops the drive circuit in response to disk ejection, a signal processor 5 that processes the image information reproduced from the disk, and a signal processor 6 that processes the audio information reproduced from the disk.

The examiner acknowledges (Answer, page 4) that Shimada "does not specifically disclose[s] reset means or a reset circuit for initializing the signal processing means . . . in response to the disc ejecting means or disc ejector ejecting the disc."

The admitted prior art discloses (specification, page 2) that:

[W]hen the CD-I disc is removed during the reproducing process, the last displayed image remains and the sound is jammed. A reset switch is typically used to manually reset the CD-I player to the initial state so that the processing steps can be again sequentially executed according to the contents of the new CD-I disc.

The examiner is of the opinion (Answer, page 5) that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to provide Shimada et al.'s system with the reset switch in a manner as taught in the admitted prior art."

Appeal No. 97-1198  
Application No. 08/245,954

Appellants argue (Brief, page 6) that "Applicants' admitted prior art . . . fails to teach or suggest the required reset means" because "rather than teaching reset means or a reset circuit that resets the disc player 'in response to the disc ejecting means ejecting the disc' as required by the claims, Applicants' admitted prior art merely teaches a reset switch that resets the disc player in response to an operator activating the reset switch."

We agree. "Thus, an operator that activates a reset switch to reset the disc player in response to the ejection of a disc is not the same as or equivalent to reset means that reset the player in response to the disc ejecting means ejecting a disc" (Brief, page 11). The obviousness rejection of claims 1 and 6 is, therefore, reversed.

The obviousness rejection of claims 2 through 5 and 7 through 10 is reversed because the disk player teachings of Otsubo do not cure the noted shortcomings in the teachings of Shimada and the admitted prior art.

#### DECISION

Appeal No. 97-1198  
Application No. 08/245,954

The decision of the examiner rejecting claims 1 through  
10 under 35 U.S.C. § 103 is reversed.

REVERSED

STANLEY M. URYNOWICZ, Jr.	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
KENNETH W. HAIRSTON	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
STUART N. HECKER	)	
Administrative Patent Judge	)	

lp

Appeal No. 97-1198  
Application No. 08/245,954

LIMBACH & LIMBACH  
2001 FERRY BUILDING  
SAN FRANCISCO, CA 94111

***Leticia***

Appeal No. 97-1198  
Application No. 08/245,954

APJ HAIRSTON

APJ HECKER

APJ URYNOWICZ

DECISION: REVERSED  
Send Reference(s): Yes No  
or Translation (s)  
Panel Change: Yes No  
Index Sheet-2901 Rejection(s): \_\_\_\_\_

Prepared: February 24, 2000

Draft      Final

3 MEM. CONF.    Y    N

OB/HD    GAU

PALM / ACTS 2 / BOOK  
DISK (FOIA) / REPORT