

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(2) is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TOSHIYUKI KAWASHIMA, MINORU TANAKA,  
HIROSHI HONJO and MASARU FUJII

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Appeal No. 97-1202  
Application 08/061,557<sup>1</sup>

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ON BRIEF

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Before HAIRSTON, LEE, and TORCZON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1  
through 18. In a first Amendment After Final (paper number 9),

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<sup>1</sup> Application for patent filed May 17, 1993.

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claims 4 through 6 were amended, and in a second Amendment After Final (paper number 14), claims 4 through 6, 9 and 10 were amended.

The disclosed invention relates to an indicator lamp.

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

1. An indicator comprising:

an indicator lamp having a lamp case which is light-transmissive to light emitted by at least one light-emitting element on one side of the lamp case, said lamp case being made from a material through which a light indication of said at least one light-emitting element is easily visible without being impaired by the reflection of ambient light from a surface on another side of the lamp case;

a signal lamp comprising said at least one light-emitting element located within said lamp case; and

a display unit mutually integrated with said signal lamp for displaying information related to light emitted by said signal lamp.

The reference relied on by the examiner is:

McLaughlin et al. (McLaughlin) 4,975,694 Dec. 4, 1990  
Claims 1 through 18 stand rejected under 35 U.S.C. § 103 as  
being unpatentable over McLaughlin.

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

OPINION

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We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claim 1 through 18.

According to the examiner (Answer, pages 3 and 4):

McLaughlin teaches a signal lamp (i.e., the visual alert means 26 or the backlight means 30) comprising a light-emitting element within the casing and a display unit mutually integrated with the signal lamp for displaying information related to light emitted by the signal lamp (see fig 1-3). It is inherent that the case of the lamp has to be light transmissive or otherwise, the lamp would not serve as illuminating purpose. It would also have been obvious that the lamp case would have been made from a material through which a light indication of the at least one light-emitting element is easily visible without being impaired by the reflection of ambient light from a surface on another side of the lamp case, since by common sense in lamp case design practice, doing so, the optical quality such as brightness, etc.. of the indicating visual signals conveyed through the lamp case can be improved than otherwise.

Appellants argue (Brief, pages 9 and 10) that:

An indicator according to the invention comprises "a lamp case which is light-transmissive to the light emitted by at least one light-emitting element on one side of the lamp case." The lamp case is further defined as "being made from a material through which a light indication of said at least one light-emitting element is easily visible." Claims 1 and 4 to 6 also state that the light indication is easily visible "without being impaired by the reflection of ambient light from a surface on another side" of the lamp case.

It is submitted that McLaughlin fails to suggest an indicator having a lamp case as set forth in claims 1 and 4 to 6. The Examiner has failed to identify any lamp case or body of an indicator which suggests the claimed lamp case or body. Instead, the Examiner alleged that the properties of the lamp case would have been obvious. The Examiner's reasons for obviousness are that a lamp case has to be light transmissive and that it is common design practice to have light from one side easily visible without being impaired by reflections on the other surface. While these properties may have been desirable, the Examiner has not provided any suggestion as to why the claimed material would have been obvious.

We agree with the examiner that a casing of some sort is probably needed in McLaughlin (Figure 3) for the red light LED 62 and the green light LED 64 to operate together to produce yellow light. On the other hand, we do not agree with the examiner (Answer, page 4) that it would have been obvious that "the lamp case would have been made from a material through which a light indication of the at least one light-emitting element is easily visible without being impaired by the reflection of ambient light

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from a surface on another side of the lamp case, . . . ." Such lamp casing material is neither taught by nor would it have been suggested by McLaughlin. Without evidence that it is commonly known to use a lamp casing material that does not reflect ambient light from another side of the lamp casing, the appellants are correct that the examiner has not established a prima facie case of obviousness (Brief, page 10). The obviousness rejection of claims 1 through 18 is reversed because all of the claims on appeal require such a lamp casing material.

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DECISION

The decision of the examiner rejecting claims 1 through 18  
under 35 U.S.C. § 103 is reversed.

REVERSED

	)	
KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
JAMESON LEE	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
RICHARD TORCZON	)	
Administrative Patent Judge	)	

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Ronald P. Kananen  
MARKS & MURASE  
Suite 750  
2001 L Street, N.W.  
Washington, D.C. 20036