

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL FLINDERS,
ADRIAN J. HAWES,
CYNTHIA KOCIALSKI
and MARCO M. RENGAN

Appeal No. 97-1564
Application 08/017,794¹

ON BRIEF

Before KRASS, JERRY SMITH and FLEMING, ***Administrative Patent Judges***.

FLEMING, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 10 through 15 and 21 through 30, all of the claims pending in the present application. Claims 1 through 9 and 16 through 20 have been canceled.

¹ Application for patent filed February 16, 1993.

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The invention relates to a computer system architecture having a video subsystem. In particular, the video subsystem includes a video display adaptor, a monitor cable and a video display monitor designed so that the monitor identification pins are reused to provide a bidirectional serial link between the adaptor and the monitor.

The independent claim 10 is reproduced as follows:

10. A video subsystem of a computer system comprising:

a video adapter device;

a video monitor device; and

a display cable electrically connecting said video monitor to said video adapter; said display cable including at least one monitor identification line;

said video monitor having means to generate selected, fixed monitor identification information on said at least one monitor identification line;

said video adapter having means to receive said monitor identification information via said at least one monitor identification line;

said video adapter and said video monitor having means for generating a communications link for dynamic communications between said video adapter and said video monitor via said at least one monitor identification line;

said video monitor generating said fixed monitor identification information on said at least one monitor identification line before a triggering event; and

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after said triggering event, said video monitor ceasing generating said monitor identification information on said at least one monitor identification line and said video adapter and said video monitor generating said communications link along said at least one monitor identification line.

The Examiner relies on the following references:

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| Dewa | 5,113,497 | May 12, 1992 |
| Abbate et al (Abbate) (European Patent Application) | 0,463,269 | Jan. 2, 1992 |

"Monitor Identification Range Extension", IBM Technical Disclosure Bulletin, Vol. 33, No. 6A, p. 351, (November 1990) (hereinafter IBM).

Claims 10 through 15 and 21 through 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over IBM, Dewa and Abbate.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the briefs and answer for the respective details thereof.

OPINION

We will not sustain the rejection of claims 10 through 15 and 21 through 30 under 35 U.S.C. § 103.

The Examiner has failed to set forth a **prima facie** case. It is the burden of the Examiner to establish why one having ordinary skill in the art would have been led to the claimed invention by the express teachings or suggestions found in the prior art, or by implications contained in such teachings or

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suggestions. *In re Sernaker*, 702 F.2d 989, 995, 217 USPQ 1, 6 (Fed. Cir. 1983). "Additionally, when determining obviousness, the claimed invention should be considered as a whole; there is no legally recognizable 'heart' of the invention." *Para-Ordnance Mfg. v. SGS Importers Int'l, Inc.*, 73 F.3d 1085, 1087, 37 USPQ2d 1237, 1239 (Fed. Cir. 1995), *citing W. L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1548, 220 USPQ 303, 309 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Appellants argue on pages 7 through 11 of the brief that IBM, Dewa and Abbiate, together or individually, fail to teach or suggest a video subsystem having a monitor, adapter and cable designed such that the monitor generates a fixed monitor identification code on the static monitor identification lines and after a triggering event, a handshaking process, between both the adapter and monitor, the monitor identification pins are reused to provide an electrical pathway for a dynamic bidirectional serial link between the adapter and the monitor as recited in Appellants' claims. On pages 15 through 24 of the brief, Appellants argue that IBM, Dewa and Abbiate, either alone or in combination, do not disclose or suggest a monitor having means to generate fixed monitor identification information on monitor identification lines before a triggering event and

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generation means within the adapter and monitor for generating a dynamic communication link between the adapter and the monitor after the triggering event using the monitor identification lines as recited in Appellants' claims.

The Examiner argues on pages 3 through 6 of the answer that IBM teaches a video monitor that generates fixed monitor identification information on the monitor identification line to a video adapter device. The Examiner argues that Dewa teaches a triggering event by writing to an inherent I/O address (I/O port), reading the data stored in the inherent I/O address and then comparing the write data with the read data to determine whether to use an 8-bit interface hard disk controller or 16-bit interface hard disk controller. Finally, the Examiner argues that Abbiate teaches a dynamic communications link.

However, the Examiner's arguments do not provide the required evidence showing Appellants' claimed limitations. In particular, the Examiner has failed to show that the references teach a video monitor having means to generate fixed monitor identification information on monitor identification lines before a triggering event and generation means within the adapter and video monitor for generating a dynamic communication link between the adapter and the video monitor after the triggering event

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using the monitor identification lines as recited in Appellants' claims. We are not inclined to dispense with proof by evidence when the proposition at issue is not supported by a teaching in a prior art reference, common knowledge or capable of unquestionable demonstration. Our reviewing court requires this evidence in order to establish a *prima facie* case. ***In re Knapp-Monarch Co.***, 296 F.2d 230, 232, 132 USPQ 6, 8 (CCPA 1961). ***In re Cofer***, 354 F.2d 664, 668, 148 USPQ 268, 271-72 (CCPA 1966).

In addition, the Federal Circuit states that "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." ***In re Fritch***, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992), ***citing In re Gordon***, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). "Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor." ***Para-Ordnance Mfg. v. SGS Importers Int'l***, 73 F.3d at 1087, 37 USPQ2d at 1239, ***citing W. L. Gore & Assocs., Inc. v. Garlock, Inc.***, 721 F.2d at 1551, 1553, 220 USPQ at 311, 312-13. Upon reviewing IBM, Dewa and Abbiate, we fail to find any suggested desirability of modifying IBM to

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establish a dynamic communication link on the monitor
identification lines after a triggering event as recited in
Appellants' claims.

We have not sustained the rejection of claims 10 through 15
and 21 through 30 under 35 U.S.C. § 103. Accordingly, the
Examiner's decision is reversed.

REVERSED

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| ERROL A. KRASS |) | |
| Administrative Patent Judge |) | |
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| JERRY SMITH |) | BOARD OF PATENT |
| Administrative Patent Judge |) | APPEALS |
| |) | AND |
| |) | INTERFERENCES |
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| MICHAEL R. FLEMING |) | |
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