

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VADLAMANNATI VENKATESWAR and VIVEK K. THAKUR

Appeal No. 1997-4025
Application 08/340,958¹

ON BRIEF

Before PAK, OWENS and WALTZ, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the examiner's final rejection of claim 1, which is the only claim remaining in the application.

THE INVENTION

Appellants claim a method for printing using a spatial

¹ Application for patent filed November 17, 1994.

light modulator having ON defects, i.e., defects in which pixels of the spatial light modulator are stuck in the ON state so that light is always transmitted to a photosensitive surface being exposed using the spatial light modulator (specification, page 3). In appellants' claimed method, a minimum exposure level value, based on the number and position of ON defects, is determined, the minimum exposure level is added to all of the latent image generated by exposing a photosensitive surface using the spatial light modulator, and the electrophotographic development of the latent image is controlled such that the minimum exposure level is screened out during development. Appellants' claim 1 reads as follows:

1. A method of printing using a spatial light modulator with ON defects, comprising the steps of:

a. generating a defect map of a spatial light modulator, wherein said defect map identifies elements with ON defects;

b. determining a minimum exposure level value to be added to all exposure level to be added to all exposure level values, wherein a controller calculates said minimum exposure level value by determining the number and position of said ON defects in a column of said spatial light modulator,

c. using said spatial light modulator to generate a latent image on a photosensitive surface, such that said ON defects have been minimized by the addition of said minimum exposure level to all of said latent image; and

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d. controlling the electrophotographic development of said latent image such that said minimum exposure level is eliminated from a final printed image from said latent image.

THE REFERENCES

Yoshida	4,259,662	Mar. 31, 1981
Tokuhara	4,560,999	Dec. 24,
1985		
Noguchi	4,995,703	Feb. 26, 1991
Mochizuki et al. (Mochizuki)	5,247,375	Sep. 21, 1993
Henley	5,406,213	Apr. 11, 1995
	(filed Sep. 10,	
1991)		
Florence et al. (Florence)	5,461,411	Oct. 24, 1995
	(filed Mar. 29,	
1993)		
Endo et al. (Endo) ²	5-236358	Sep. 10, 1993
(Japanese Kokai)		

THE REJECTIONS

Claim 1 stands rejected under 35 U.S.C. § 103 over Tokuhara in view of Henley, Mochizuki, Endo, Yoshida and Florence, and also over Tokuhara in view of Henley, Noguchi, Endo, Yoshida and Florence.³

² Our consideration of this reference is based upon an English translation thereof, which is of record.

³ An provisional obviousness-type double patenting rejection over claim 4 of copending Application 08/766,657 is

OPINION

We have carefully considered all of the arguments advanced by appellants and the examiner and agree with appellants that the aforementioned rejections are not well founded. Accordingly, we reverse these rejections.

Appellants' claim 1 requires, *inter alia*, determining a minimum exposure level value, based upon the number and position of ON defects in a column of a spatial light modulator, and adding the minimum exposure level to all of a latent image.

The examiner argues that the following disclosure by Yoshida (col. 2, lines 44-49) "meets the determining step and the thresholding step" (answer, page 9):

According to an aspect of the invention, a threshold value setting circuit is provided which comprises a means for detecting the brightest or highest level of a screen which consists of a number of picture elements, and means for reducing the brightest or highest level to thereby set a threshold value.

moot because that application has been abandoned (notice of abandonment mailed on September 26, 1997). A rejection under 35 U.S.C. § 112, second paragraph, which is addressed in the appeal brief was withdrawn in the final rejection (paper no. 9, mailed October 2, 1996).

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Yoshida's threshold value is obtained by reducing a highest input signal (col. 3, line 67 - col. 4, line 3; col. 4, lines 19-29). Yoshida does not determine a minimum exposure level, based upon the number and position of ON defects, to be added to all exposure level values as recited in appellants' claim 1.

The examiner has not pointed out where the applied references disclose or would have fairly suggested, to one of ordinary skill in the art, determining a minimum exposure level, based upon the number and position of ON defects, and adding the minimum exposure level to all of a latent image as required by appellants' claim 1. Consequently, the examiner has not carried his burden of establishing a *prima facie* case of obviousness of the method in appellants' claim 1. The examiner's rejections, therefore, are reversed.

DECISION

The rejections of claim 1 under 35 U.S.C. § 103 over Tokuhara in view of Henley, Mochizuki, Endo, Yoshida and Florence, and over Tokuhara in view of Henley, Noguchi, Endo, Yoshida and Florence, are reversed.

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REVERSED

	CHUNG K. PAK)	
	Administrative Patent Judge)	
)	
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)	
	TERRY J. OWENS)	BOARD OF
PATENT	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
	THOMAS A. WALTZ)	
	Administrative Patent Judge)	

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