

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HISATSUGU NAKAMURA

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Appeal No. 1999-1055  
Application No. 08/571,342

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ON BRIEF

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Before McCANDLISH, Senior Administrative Patent Judge, and ABRAMS and NASE, Administrative Patent Judges.

ABRAMS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-14, which are all of the claims pending in this application.

We REVERSE.

### BACKGROUND

The appellant's invention relates to a mobile, multi-media workstation system for a vehicle. An understanding of the invention can be derived from a reading of exemplary claim 1, which appears in the appendix to the appellant's Brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Kenue	4,970,653	Nov. 13, 1990
Secor	5,289,321	Feb. 22, 1994
Gazis <u>et al.</u> (Gazis)	5,610,821	Mar. 11, 1997

Claims 1-14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Secor in view of Kenue and Gazis.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejection, we make reference to the Answer (Paper No. 12) for the examiner's complete reasoning in support of the rejection, and to the Brief (Paper No. 11) for the appellant's arguments thereagainst.

### OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

The test for obviousness is what the combined teachings of the prior art would have suggested to one of ordinary skill in the art. See, for example, In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). In establishing a prima facie case of obviousness, it is incumbent upon the examiner to provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. See Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Int. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from the appellant's disclosure. See, for example, Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1052, 5 USPQ2d 1434, 1439 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988).

We understand the appellant's invention to be an interactive system in which the operator of a vehicle is provided with real time information from forward-looking and rearward-looking cameras, from pre-recorded information available on CD-ROM discs and EE-PROM cards, and from GPS sources, which is analyzed by a computer and then provided to the operator as needed to expedite the "navigation" of the vehicle, which includes its safety with regard to vehicles in close proximity as well as its path from one point to another. The operator can interact with the system by entering voice or keyed commands, and the system provides information and verbal response. Claim 1 sets forth

the invention as comprising a plurality of forward-looking and rearward-looking video cameras driven with a common time base to produce synchronized video signals for viewing traffic and weather conditions, a horizontally oriented elongated LCD video display device mounted above a dashboard of the vehicle and equipped with signal processing hardware to simultaneously display a plurality of the synchronized video signals, a personal computer connected between the video cameras and the video display device to provide interactive control, a program inputting EE-PROM card device and a video/audio data inputting and recording CD-ROM device connected to the personal computer and enabling signal processing and interactive system control by the computer, a directional microphone connected to the personal computer for inputting voice commands by an operator of the vehicle to control the multi-media system, and a speaker located close to the operator at ear level and connected to the personal computer to provide voice messages and warnings output from the personal computer in response to programmed criteria.

It is the examiner's position that one of ordinary skill in the art would have found each of the components of the appellant's system individually in the three applied references and/or in the skill of the art, and would have found it obvious to combine them in such a manner as to render the appellant's claimed system obvious. The appellant, on the other hand, argues that there would have been no suggestion to combine the references in

the manner proposed by the examiner other than by means of hindsight, and that even if combined in the manner set out by the examiner, they would not encompass the subject matter recited in the claims. We find ourselves in agreement with the appellant's position.

The primary reference used by the examiner is Secor, which is directed to a rearward-looking camera and display system for a vehicle. Secor's objective is to provide improved viewing to the rear of the vehicle, and does so by replacing the conventional left, center and right rear view mirrors with at least three rearward-looking video cameras, and presenting the images seen by each next to one another in a consolidated monitor located at a convenient place in the vehicle, such as where the center rear view mirror is conventionally located or on the dashboard. Using the language of claim 1 as a guide, Secor fails to disclose or teach a forward-looking camera, a personal computer connected between the cameras and a display device to provide interactive control, a program inputting EE-PROM card device and a video/audio data input and recording CD-ROM device connected to the personal computer and enabling signal processing and interactive system control by the computer, a directional microphone for inputting voice commands issued by the operator into the system, and a speaker located close to the operator at ear level to provide voice messages and warnings output by the personal computer in response to programmed criteria.

Kenue is directed to a system for searching for and detecting markers that are determinative of the edges of the lane of the road upon which the vehicle is proceeding, and using this information to determine the vehicle's relationship to the lane and to provide steering information to keep the vehicle in the lane. To accomplish this objective, a forward-looking camera is installed on the vehicle, and its output is sent to a computer which analyzes the signal to determine the presence of markers denoting the edges of the lane, or the edges themselves, on a continuous basis. If the vehicle overtakes another vehicle to the extent that it is so close as to obscure the camera's effective view of the roadway markers, which will inhibit the computer's ability to determine the edges of the lane, a warning is sounded. The computer analysis is based upon programmed algorithms for processing the images sensed by the camera. The system does not include rearward-looking cameras, for it is not concerned with what occurs behind the vehicle, nor does it interact with the vehicle operator, other than to provide some unspecified warning to the operator when the vehicle ahead is too close. From our perspective, even if one were to consider, arguendo, that it would have been obvious to add the Kenue lane detection system to the vehicle disclosed in Secor, we fail to perceive any teaching, suggestion or incentive in either reference which would have led one of ordinary skill in the art to interconnect or interface the Kenue computer with the rearward-looking cameras of Secor. Nor do we find suggestion to provide mechanisms whereby the Kenue computer

allows voice commands to be entered by the vehicle operator. In this regard, we do not subscribe to the examiner's finding (Answer, page 4), that Secor "inherently discloses a personal computer with its program input device connected between said plurality of video cameras and said LCD video display device to provide interactive control," for the examiner has not provided any basis for this finding, and we find no support for it in the reference on our own. It therefore follows that the claimed microphone is not taught by these two references and, in addition, neither discloses or teaches a speaker located close to the operator at ear level.

The Gazis reference is directed to a vehicle route planning system "for determining optimal vehicle routes using current traffic flow information received from individual vehicles" (column 1, lines 58-60). This system plans a vehicle route between two points, based upon a database in a computer. By keeping track of the vehicle through GPS, and considering traffic data that continuously is supplied to the computer through means that can include movement input information received from other vehicles in the area, such as the speed they are making through traffic, the subject vehicle's route is altered as necessary to optimize it as conditions change. The computer also is provided with an in-vehicle keyboard and a speaker and microphone system whereby the operator can interact with the system, for example, to communicate a desired destination, route, speed, etc., and to receive updated instructions. No cameras are used, and no safety information

is provided with regard to the relationship between the subject vehicle and those vehicles immediately surrounding it. See columns 2 and 3.

As was the case with Kenue, even considering, arguendo, that it would have been obvious to add the Gazis route planning system to the Secor vehicle as modified by Kenue, and with the recognition that Gazis teaches interactive audio interface between the vehicle operator and the route planning computer, we are at a loss to appreciate where one of ordinary skill in the art would have found suggestion to incorporate into the audio interactive computer system of Gazis the rearward-looking camera system of Secor and the lane detecting system of Kenue, other than by virtue of the hindsight accorded one who first viewed the appellant's disclosure, which is not a proper basis for a rejection under Section 103.<sup>1</sup> The references disclose three separate systems, each with its own objective and operable on its own, and we are not persuaded by the examiner's statements why one would even benefit from interaction with the others, much less that they should be interconnected with an audio interactive personal computer and associated EE-PROM and CD-ROM devices. The mere fact that the prior art structure could be modified

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<sup>1</sup>It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention" (citations omitted). In re Fritch, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992).

does not make such a modification obvious unless the prior art suggests the desirability of doing so. See, In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

It therefore is our conclusion that the combined teachings of Secor, Kenue and Gazis fail to establish a prima facie case of obviousness with regard to the subject matter recited in independent claim 1, and we will not sustain the rejection of this claim or, it follows, of claims 2-8, which are dependent therefrom.

We reach the same conclusion, for the same reasons, with regard to independent claims 8 and 9, which set forth the invention in somewhat different terms, but contain essentially the same limitations.<sup>2</sup> Thus, the rejection of claims 8-14 also is not sustained.

#### CONCLUSION

The rejection is not sustained.

The decision of the examiner is reversed.

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<sup>2</sup>Claim 8 does not recite the EE-PROM device or the CD-ROM device.

REVERSED

HARRISON E. McCANDLISH,  
Senior Administrative Patent Judge

NEAL E. ABRAMS  
Administrative Patent Judge

JEFFREY V. NASE  
Administrative Patent Judge

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