

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. 9

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JACK A. BEUKEMA

Appeal No. 2001-0243
Application No. 09/001,285

ON BRIEF

Before ABRAMS, STAAB, and McQUADE, Administrative Patent Judges.

McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Jack A. Beukema appeals from the final rejection of claims 1 through 20, all of the claims pending in the application.

THE INVENTION

The invention relates to an illuminated headrest for a seat in a passenger vehicle. Representative claims 1, 8 and 13 read as follows:

1. An illuminated headrest assembly comprising:

Appeal No. 2001-0243
Application No. 09/001,285

a headrest having a lamp assembly mounted to a rear surface thereof, said lamp assembly including a light source for directing illumination from said headrest to allow a person located behind said headrest to read under low ambient light conditions; and

means for moving said headrest from a first position, generally co-planar with the back of a seat to which said headrest is mounted for directing illumination toward an area behind said headrest, to a second position generally orthogonal to the plane of the seat for directing illumination onto the rear surface of the back of a seat to which it is mounted.

8. A vehicle seat assembly including an illuminated headrest comprising:

a vehicle seat having a seat and a seat back pivotally mounted to said seat, such that said seat back can be folded forwardly over said seat, said seat back including a work surface formed thereon;

a headrest having front and rear surfaces, said headrest mounted to said seat back and including a lamp assembly including a light source for directing illumination therefrom; and

means for mounting said headrest to said seat back for movement from a first position, generally co-planar with said seat back for directing illumination toward an area behind said seat, to a second position for directing illumination onto said work surface of said seat back.

13. An illuminated headrest assembly comprising:

a headrest having a recessed lamp housing mounted to a rear surface thereof;

a lamp assembly including a light source mounted in said housing for directing illumination from said headrest; and

Appeal No. 2001-0243
Application No. 09/001,285

a pivot mount for moving said headrest from a first position, generally co-planar with the back of a seat to which said headrest is mounted for directing illumination toward an area behind said headrest, to a second position for directing illumination onto the rear surface of the back of the seat to which it is mounted.

THE REFERENCES

The references relied on by the examiner to support the final rejection are:

Lobanoff	4,702,519	Oct. 27, 1987
Lu	5,713,633	Feb. 3, 1998
Takeichi Japanese Patent Document ¹	6-99773	Apr. 12, 1994

THE REJECTIONS

Claims 1 through 4, 7 through 11, 13, 14 and 17 through 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lu.

Claims 5, 6, 12, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu in view of Takeichi.

Claims 1 through 20 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lobanoff in view of Lu.

¹ An English language translation of this reference, prepared on behalf of the United States Patent and Trademark Office, is appended hereto.

Appeal No. 2001-0243
Application No. 09/001,285

Attention is directed to the appellant's brief (Paper No. 7)² and to the examiner's final rejection and answer (Paper Nos. 5 and 8) for the respective positions of the appellant and the examiner with regard to the merits of these rejections.

DISCUSSION

I. The 35 U.S.C. § 102(e) rejection of claims 1 through 4, 7 through 11, 13, 14 and 17 through 20 as being anticipated by Lu

For purposes of this appeal, the appellant (see page 3 in the brief) has grouped the claims rejected on this ground into two groups: (a) claims 1 through 4, 13, 14 and 17, and (b) claims 7 through 11 and 18 through 20. In accordance with 37 CFR § 1.192(c)(7), we have selected claim 13 from the first group and claim 8 from the second group and shall decide the appeal as to the § 102(e) rejection on the basis of these

² The "corrections" incorporated into the copy of claims 18 and 20 appended to the brief, which are explained in the footnotes on the last page of the appendix, have yet to be formally proposed and entered. Consideration should also be given to correcting an apparent omission of wording in the last line of claim 11 and a lack of proper antecedent basis for the term "said housing" in claim 12.

Appeal No. 2001-0243
Application No. 09/001,285

claims alone. In other words, claims 1 through 4, 14 and 17 shall stand or fall with claim 13 and claims 7, 9 through 11 and 18 through 20 shall stand or fall with claim 8.

Lu discloses a vehicle seat (see Figures 9 and 10) comprising a seat cushion, a backrest 50 and a pillow/headrest 60, with the backrest being foldable down onto the seat cushion and the pillow/headrest being pivotable through an angle of \pm 90 degrees with respect to the plane of the backrest. A chamber in the rear side of the backrest houses a game set 73 and a chamber in the rear side of the pillow/headrest houses a TV set 72.

Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). It is not necessary that the reference teach what the subject application teaches, but only that the claim read on something disclosed in the reference, i.e., that all of the limitations in the claim be found in or fully met by the reference. Kalman v. Kimberly Clark Corp., 713 F.2d 760, 772,

Appeal No. 2001-0243
Application No. 09/001,285

218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

The appellant submits that the Lu reference is not anticipatory with respect to the subject matter recited in claims 8 and 13 because it does not meet the limitations in these claims pertaining to the "lamp assembly." Of the examiner's finding that Lu's TV set 72 responds to these limitations, the appellant argues that a TV set is not a "lamp assembly" as defined and described in the specification or under any normal interpretation of this term.

During patent examination claims are to be given their broadest reasonable interpretation consistent with the underlying specification without reading limitations from the specification into the claims. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). Contrary to the appellant's implication, while the specification does describe "lamp assembly" 50 in some detail, it does not assign a formal definition thereto. Hence, as employed in claims 8 and 13, the term "lamp assembly" is to be given its broadest reasonable interpretation consistent with the specification without reading in limitations from the specification. As correctly

Appeal No. 2001-0243
Application No. 09/001,285

pointed out by the examiner, the ordinary and accustomed definition of the term "lamp" is quite broad. For example, Webster's New Collegiate Dictionary (G. & C. Merriam Co. 1977) defines "lamp" as meaning "any of various devices for producing light or heat." This definition is entirely consistent with the appellant's specification and is certainly met by Lu's TV set 72.

The appellant also argues that Lu fails to meet the limitation in claim 13 requiring a "pivot mount" for moving the headrest from a first position generally co-planar with the back of the seat for directing illumination toward an area behind the headrest to a second position for directing illumination onto the rear surface of the back of the seat. As explained above, however, Lu's TV set 72 is mounted in a pillow/headrest 60 which is pivotable through an angle of ± 90 degrees with respect to the plane of its backrest. It is not apparent, nor has the appellant cogently explained, why a TV set so mounted does not constitute a light source which is inherently capable of directing illumination in the manner recited in claim 13, as well as in claim 8, depending on the orientation of the headrest.

Appeal No. 2001-0243
Application No. 09/001,285

Thus, the appellant's position that the subject matter recited in claims 8 and 13 distinguishes over Lu is not persuasive. Accordingly, we shall sustain the standing 35 U.S.C. § 102(e) rejection of claims 8 and 13, and of claims 1 through 4, 7, 9 through 11, 14 and 17 through 20 which stand or fall therewith, as being anticipated by Lu.

II. The 35 U.S.C. § 103(a) of claims 5, 6, 12, 15 and 16 as being unpatentable over Lu in view of Takeichi

As implicitly conceded by the examiner, Lu does not meet the limitations in dependent claims 5, 6, 12, 15 and 16 calling for the lamp assembly to include a reflector for directing illumination downwardly at an angle of from 20E to 40E (claims 5 and 16), a fluorescent bulb (claims 6 and 15), and a reflector for directing illumination downwardly at an angle of about 30E (claim 12).

Takeichi discloses a reclinable vehicle seat 1 having an illuminating device 8 mounted approximately at the center of the rear surface of backrest 5 for rotation between an "OFF" position (see Figure 5) and an "ON" position (see Figure 4). The device includes a fluorescent lamp 15 disposed within a frame-like housing 11-13.

Appeal No. 2001-0243
Application No. 09/001,285

According to the examiner, it would have been obvious to one of ordinary skill in the art

to modify the Lu device such that it had a reflected [fluorescent] bulb as taught to be old by Takeichi thereby providing the obvious advantage of increased and steady lighting to the rear seat occupant.

To provide the reflector such that it is angled 30 degrees is considered to be an obvious choice depending upon the range of light desired [final rejection, page 3].

In further explanation of this position, the examiner states

that

[t]he Takeichi reference is being applied as a *secondary* reference only to teach the conventionality of a [fluorescent] lamp on the rear of a vehicle seat with a reflector (see item 11 in Fig. 6). The primary reference to Lu teaches the conventionality of angling the light emission at any desired angle, and also teaches explicitly that "a plurality of articles can be incorporated with the chambers, for example, a TV set" (col. 5, lines 4-5). Therefore, to replace one electrical device with another, and in particular to replace a TV set with a [fluorescent] light would have been an obvious choice to one of ordinary skill in the art since Lu provides clear motivation which teaches a plurality of items may be placed in the headrest chamber [answer, page 5].

Arguably, Takeichi would have suggested the addition of a fluorescent light to Lu's backrest 50 in order to illuminate the area behind the seat for reading. Claims 5, 6, 12, 15 and 16, however, through their respective parent claims 1, 8 and

Appeal No. 2001-0243
Application No. 09/001,285

13, require the lamp assembly to be part of the headrest. There is simply nothing in the combined teachings of Lu and Takeichi which would have suggested positioning a lamp assembly of the sort disclosed by Takeichi on Lu's pillow/headrest 60, either in conjunction with or in lieu of Lu's TV set 72.

Hence, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of claims 5, 6, 12, 15 and 16 as being unpatentable over Lu in view of Takeichi.

III. The 35 U.S.C. § 103(a) rejection of claims 1 through 20 as being unpatentable over Lobanoff in view of Lu

Lobanoff discloses a vanity mirror and reading light assembly for mounting on the rear side of a head restraint for a vehicle seat. In general, each light assembly includes a lens 112, a reflector 114, a bulb socket/reflector 116, and a conventional bulb 118 (see Figure 8 and column 4, lines 5 through 17). As described by Lobanoff with reference to Figures 1 through 3,

there is illustrated a head restraint 10 mounted on the top of a vehicle front seat 11 and incorporating a lighted vanity mirror assembly 12 comprising an open plastic receptacle 22 in which is disposed a mirror housing 20 supporting a mirror 13, side lights 14, a light switch 15 and a cover 16 having a fabric hinge 17 and hook-and-loop strips 18. Mating hook-and-loop elements 19 disposed on receptacle 22 retain

Appeal No. 2001-0243
Application No. 09/001,285

cover 16 in its closed position. As best shown in FIG. 3, housing 20 is provided with pivotal extensions 21 at each end pivotally disposed in suitable sockets in the ends of receptacle 22, which is embedded within the head restraint. Suitable wiring 23 extends along the headrest mounting arm 24 for lights 14 operated by switch 15, which may be of either the manually actuated slide type, or of the pushbutton type responsive to cover opening and closing control.

It will be understood that tilting of the mirror about a horizontal axis to any desired mirror reflecting, or map reading, angle as illustrated at 25 in FIG. 2, may be accommodated by the pivotal mounting at 21 [column 2, lines 32 through 52].

The examiner acknowledges that Lobanoff's head restraint 10 is not movably mounted to the back of seat 11 in the manner required by independent claims 1, 8 and 13, but nonetheless concludes that it would have been obvious to one of ordinary skill in the art "to modify the Lobanoff device such that the headrest pivoted as taught to be old by Lu thereby providing the obvious advantage of greater angle versatility of the headrest" (final rejection, page 4).

The only reason given by Lu for the adjustable connection between backrest 50 and pillow/headrest 60 is to allow the entertainment devices carried thereby to be conveniently positioned for use (see, for example, column 1, lines 51 through 54; column 5, lines 19 through 30; and column 5, line

Appeal No. 2001-0243
Application No. 09/001,285

65, through column 6, line 4). Lobanoff's vehicle seat carries no such entertainment devices, and the vanity mirror and reading light assembly which is carried thereby has its own adjustability feature. In this light, it is evident that the combination of Lobanoff and Lu proposed by the examiner rests on impermissible hindsight.

Hence, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of claims 1 through 20 as being unpatentable over Lobanoff in view of Lu.

SUMMARY

The decision of the examiner:

a) to reject claims 1 through 4, 7 through 11, 13, 14 and 17 through 20 under 35 U.S.C. § 102(e) as being anticipated by Lu is affirmed;

b) to reject claims 5, 6, 12, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Lu in view of Takeichi is reversed; and

c) to reject claims 1 through 20 under 35 U.S.C. § 103(a) as being unpatentable over Lobanoff in view of Lu is reversed.

Appeal No. 2001-0243
Application No. 09/001,285

Appeal No. 2001-0243
Application No. 09/001,285

No period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

NEAL E. ABRAMS)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
LAWRENCE J. STAAB)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
JOHN P. McQUADE)	
Administrative Patent Judge)	

JPM/gjh

Appeal No. 2001-0243
Application No. 09/001,285

H.W. REICK
695 KENMOOR S.E.
P.O. BOX 2567
GRAND RAPIDS, MI 49501

GJH

Appeal No. 2001-0243
Application No. 09/001,285

APJ McQUADE

APJ ABRAMS

APJ STAAB

AFFIRMED-IN-PART

June 20, 2002

APPEND TRANSLATION