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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte NAE YASUHARA, MIYUKI MARUSAWA,
HIROSHI YASUHARA and HIROKO KUSANO

_____

Appeal No. 95-1428
Application 08/031,036[1]

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ON BRIEF

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Before THOMAS, HAIRSTON, and BARRETT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

[1] Application for patent filed March 11, 1993. According to applicants, the application is a continuation of Application 07/731,449, filed July 17, 1991.

This is an appeal from the final rejection of claims 1, 4, 6, 7, 9 and 12.

The disclosed invention relates to a graphic image processing apparatus comprising a switch pad with keys mounted to a top surface thereof. The keys are divided into character pattern selecting keys, color selecting keys, and an executing key. Each of the character selecting keys has a mark thereon indicative of a different one of a set of character patterns, and each of the color selecting keys has a color thereon indicative of a different one of a set of colors.

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

1. A graphic image processing apparatus comprising:

a switch pad;

character pattern selecting means for selecting a predetermined character pattern, wherein the character pattern selecting means comprises a plurality of selecting keys mounted to a top surface of the switch pad, where each of the selecting keys of the character pattern selecting means has a mark thereon indicative of a different one of a set of character patterns;

color selecting means for selecting predetermined color data corresponding to said character pattern, wherein said color selecting means comprises a plurality of selecting keys mounted to the top surface of the switch pad, where each of the selecting keys of the color selecting means has a color thereon indicative of a different one of a set of colors;

display means for displaying said character pattern;

operating means for moving a cursor displayed on said display means;

first memory means for storing data corresponding to said character pattern and color data and reading out said data corresponding to said character pattern and color data in response to actuation of the selecting keys;

second memory means for storing display data indicative of data displayed on said display means;

control means for changing said cursor to said character pattern in response to actuation of at least one of the selecting keys of said character pattern selecting means; and

executing means for storing said character pattern in said second memory means, wherein the executing means includes an executing key mounted to the top surface of the switch pad, and wherein in response to actuation of the executing key, the executing means stores said character pattern in said second memory means so as to display said character pattern in a desired position on the display means, wherein the desired position is determined by operation of said operating means.

The references relied on by the examiner are:

Bristow	4,045,789	Aug. 30, 1977
Oka	4,882,582	Nov. 21, 1989
Rahman	4,928,093	May 22, 1990

Field, "Using MacWrite and MacPaint," McGraw-Hill, 1984, pages 4 and 67 through 79.

Claims 1, 4, 6 and 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Field in view of Oka.

Claim 9 stands rejected under 35 U.S.C. § 103 as being unpatentable over Field in view of Oka and Rahman.

Claim 12 stands rejected under 35 U.S.C. § 103 as being unpatentable over Field in view of Oka and Bristow.

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

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1, 4, 6, 7, 9 and 12.

In Figure 5-1 of Field, a set of selectable characters is displayed on the left edge of the display screen, and a set of selectable colors is displayed on the bottom edge of the display screen. The sets of characters and colors are in the form of icons, and each of the characters and colors is selected for display on the screen via a mouse. The examiner recognizes that "Field does not teach mounting the color and character pattern selecting means on a key pad" (Answer, page 3).

Figures 1 and 2 of Oka disclose a touch panel display for an automated teller machine (ATM). Oka states that "[f]or a recycle type ATM (Automated Teller Machine), etc. in a banking system, a method for inputting necessary information by means of a keyboard is adopted and keys on the keyboard are changed more and more fromm [sic, from] conventional push button type keys to keys by means of a touch panel" (column 1, lines 16 through 21). Although Field is not directed to a touch panel display, we agree

with the examiner's conclusions (Answer, page 3) concerning the interchangeability of input devices for data processing systems (e.g., graphic image processing systems and ATMs), and the obviousness of mounting "Field's color and character pattern selecting means on the key pad in view of Oka." Stated differently, we are of the opinion that the skilled artisan would have known that a touch panel screen, a keyboard and a mouse are interchangeably used to input data (e.g., character and color data) to a data processing system.[2] In essence, we are not convinced by appellants' arguments throughout the brief that the skilled artisan would not have known to place character and color selections on keys of a key pad.

Notwithstanding our agreement with the examiner's position (Answer, page 3), we find that the examiner has not come to grips with the claimed invention as a whole. For example, each of the claims on appeal requires an "executing key" mounted to the "top surface" of the switch pad/casing. The "executing means" in Field is a mouse, and it is not mounted to the "top surface" of

[2] As an aside, we note that the claims on appeal are couched in terms that are broad enough to read on both mechanical "keys" and electronic "keys." The screen in Figure 5-1 of Field is an electronic "switch pad" or "casing," and the icons displayed on the "top surface" of the screen are electronic character and color "selecting keys."

the screen. The examiner has not explained how a mouse "executing means" would be mounted to the screen in Field. In the absence of such an explanation by the examiner, we are in agreement with appellants' argument that "[n]either Field nor Oka teaches a system including . . . an execution key, as recited in independent claim 1" (Brief, page 15). The obviousness rejection of independent claim 1, and the claims that depend therefrom, is reversed.

The Rahman reference was cited by the examiner to show that "[c]onverting an analog signal to a digital signal in an input device is contentional [sic, conventional]" (Answer, page 4), and the Bristow reference was cited by the examiner because it "disclosed an animation display device comprising memory means for storing basic character and various characters corresponding to the basic character" (Answer, page 5). The teachings of these references are duly noted, but they fail to cure the "executing key" shortcoming in the teachings of Field and Oka. Thus, the obviousness rejection of claims 9 and 12 is reversed.

DECISION

The decision of the examiner rejecting claims 1, 4, 6, 7, 9 and 12 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS Administrative Patent Judge	)
KENNETH W. HAIRSTON Administrative Patent Judge	) BOARD OF PATENT)) APPEALS AND)) INTERFERENCES
LEE E. BARRETT Administrative Patent Judge	)

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