

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KUNIHIRO TAKEUCHI

Appeal No. 95-3377
Application No. 07/883,162¹

ON BRIEF

Before MARTIN, JERRY SMITH, and CARMICHAEL, Administrative Patent Judges.

CARMICHAEL, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claim 3, which constitutes the only claim remaining in the application.

Claim 3 reads as follows:

3. A control system for a vehicle safety device comprising:

¹ Application for patent filed May 15, 1992.

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(a) an acceleration sensor for detecting acceleration of a vehicle;

(b) acceleration correction means for multiplying said acceleration from said acceleration sensor by a gain in order to correct it;

(c) an EEPROM, numerical values equal to each other being written, as said gain, into three or more memory areas of a first group in said EEPROM, complementary numerical values of said numerical values representing said gain being written respectively into three or more memory areas of a second group in said EEPROM;

(d) acceleration evaluation means for judging whether or not a collision of said vehicle has occurred based on such corrected acceleration, and outputting a trigger signal to said vehicle safety device when the judgement result is "YES";

(e) gain setting means for setting said gain, said gain setting means including (i) first means for judging whether or not said numerical values representing said gain, stored in said first group memory areas in said EEPROM are equal to each other, and preliminarily determining said numerical value belonging to the majority among all said numerical values representing said gain as a temporary proper gain, (ii) second means for judging whether or not said complementary numerical values stored in said second group memory areas are equal to each other, and preliminarily determining said complementary numerical value belonging to the majority among all said complementary numerical values, and (iii) third means for judging whether or not said temporary proper gain is in complementary relation with said complementary numerical value belonging to the majority, and determining said temporary proper gain as a proper gain under the condition that said third means makes affirmative judgment, and further providing said proper gain to said correction means; and

(f) alarm instruction means for actuating an alarm device when said gain setting means makes at least one negative judgment.

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The examiner's Answer cites the following prior art:

Hannoyer	4,497,025	Jan. 29, 1985
Okano et al. (Okano)	5,182,459	Jan. 26, 1993 (filed Jan. 18, 1991)
Chau et al. (Chau)	5,200,963	Apr. 6, 1993 (filed Jan. 26, 1990)
Sato (Japanese Kokai Patent)	55-90000	July 8, 1980

OPINION

The claim stands rejected under 35 U.S.C. § 103 as unpatentable over Hannoyer in view of Sato, Chau, and Okano.

We reverse for the reasons given by Appellant amplified as follows.

The examiner states correctly that it was known in the art to enhance the validity of data against degradation by storing multiple copies of data for mutual comparison. Examiner's Answer at 11. It was also known in the art to store complements of each copy and to test whether each stored complement is in fact in complementary relation to each copy. Chau at column 6, lines 4-16; Specification at 3, lines 2-19. Further, it was known to increase resiliency against multiple

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faults by increasing redundancy such as in a "3-out-of-5 system." Chau at column 2, lines 17-21.

The examiner also finds that it was known to compare complements against each other. Examiner's answer at 11-12. The examiner does not cite any evidence to support that finding. Upon reviewing the four cited references and the admitted prior art, we are unable to identify any support for the finding. In fact, in each of those prior art systems that has complements of multiple copies, the complements are compared only to the multiple copies and not to other complements.

Having failed to establish any knowledge of comparing complements against each other, the examiner fails to establish any reason why one of ordinary skill in the art would have made a majority determination among three or more complements, and then compared that result to a majority result from three or more **un**complemented copies. Without such a suggestion, the rejection cannot be sustained. The 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

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modification. *In re Fritch*, 972 F.2d 1260, 1266 n.14, 23
USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992).

CONCLUSION

The rejection of claim 3 is not sustained.

REVERSED

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JOHN C. MARTIN)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JERRY SMITH)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JAMES T. CARMICHAEL)	
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