

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 41

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER S. VOGEL

Appeal No. 95-4150
Application No. 08/102,507¹

HEARD: December 10, 1998

Before THOMAS, HAIRSTON and CARMICHAEL, Administrative Patent Judges.

CARMICHAEL, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 15-16, 25-29, 36 and 45. The other remaining claims (Claims 17-

¹ Application for patent filed August 5, 1993. According to appellant, this application is a continuation of Application 07/841,296 filed February 28, 1992, which is a continuation of Application 07/582,878 filed October 12, 1990, both abandoned.

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19, 37 and 38) stand objected to as depending on a rejected base claim but allowable if rewritten in independent form.

Claim 15 reads as follows:

15. A method of controlling a device, comprising the steps of:

transmitting an information signal from a first transmitter;

transmitting a control signal from a second transmitter, said control signal being indicative of a predetermined target condition;

receiving said information signal at a receiving station;

applying said received information signal to a receiving device at said receiving station;

receiving said control signal at an intermediate station;

sensing an operational condition of said receiving device;

formatting said received control signal according to said sensed operational condition to form control codes suitable for reception by an input of said receiving device;

using a third transmitter to modulate a carrier on the basis of said control codes; and

applying the modulated carrier from said third transmitter to an input of said receiving device to cause said receiving device to enter said predetermined target operational condition.

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The Examiner's Answer cites the following prior art:

Young	4,706,121	Nov. 10, 1987
Reitmeier	4,746,919	May 24,
1988		

OPINION

Claims 15-16, 25-29, 36 and 45 stand rejected under 35 U.S.C. § 103 as unpatentable over Young in view of Reitmeier.

Claims 15-16, 25, and 28-29

Claims 15-16, 25, and 28-29 stand or fall together because appellants have presented no arguments for separate patentability under 37 CFR § 1.192.

We find that Young teaches all of the steps of claim 15. As to the first step, Young transmits an information signal (television broadcast) from a first transmitter 133. As to the second step, Young transmits a control signal (shown in Figure 3 as a wavy line between remote control transmitter 116 and remote receiver 118) from a second transmitter 116, said control signal being indicative of a predetermined target condition. The recited "predetermined target condition" in Young is the state of receiving a preselected program. Column 7, line 51, through column 8, line 18.

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As to the third step, Young receives the information signal at a receiving station. The receiving station includes everything in Figure 3. As to the fourth step, Young applies the received information signal to a receiving device at the receiving station shown in Figure 3. The "receiving device" is satisfied by the TV/VCR combination 126/150 and may further include programmable TV tuner 132 and video switcher 140.

As to the fifth step, Young receives the control signal at an intermediate station 110. As to the sixth step, Young senses an operational condition (whether TV is on or off) of the receiving device.

As to the seventh step, Young formats the received control signal according to the sensed operational condition to form control codes suitable for reception by an input of the receiving device. For example, if the sensed condition is that the television is off, Young may form the control code for causing the VCR to record. Column 8, lines 62-66. As to the eighth step, Young uses a third transmitter 1010 to modulate a carrier on the basis of said control codes. Column 9, lines 7-15; Figure 4b.

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As to the ninth step, Young applies modulated carrier 1004 from third transmitter 1010 to an input on VCR 216 of said receiving device to cause the receiving device to enter the predetermined target operational condition. For example, the application of carrier 1004 to VCR 216 may cause the VCR to record.

Thus, Young fully suggests the claimed subject matter. We view Reitmeier as cumulative. We recognize that Young's disclosure is different than appellant's preferred embodiment. Nonetheless, the claims on appeal are not so limited. Claims undergoing examination are given their broadest reasonable interpretation consistent with the specification, and limitations appearing in the specification are not to be read into the claims. *In re Etter*, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985) (in banc).

Therefore, the rejection of claims 15-16, 25, and 28-29 is sustained.

Claim 45

Claim 45 is essentially the same as claim 15 except that the received control signal is formatted according to the

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receiving device type as well as according to the sensed operational condition.

Reitmeier teaches that there are different types of televisions and VCRs and suggests that a remote control signal should be formatted according to the type of device being controlled. Column 2, line 60, through column 3, line 19. From the combined teachings, it would have been obvious to format Young's control signal according to the receiving device type as suggested by Reitmeier in order to control any type of VCR with one transmitter. Claim 45 requires nothing more. Thus, we will sustain the rejection of claim 45.

Claim 26

Claim 26 does not further distinguish over Young because in Figure 4b Young teaches a receiving station remote from the transmitting stations. The rejection of claim 26 will be sustained on the same basis as claims 15 and 45 discussed above.

Claim 27

Claim 27 does not further distinguish over Young because Young's receiving station includes a video recorder. For

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example, Young's receiving station can be considered a combination television/video recorder as discussed above. The rejection of claim 27 will be sustained on the same basis as claims 15 and 45 discussed above.

CONCLUSION

The rejection of claims 15-16, 25-29, 36 and 45 is sustained.

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

AFFIRMED

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

March 6, 2001