

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(2) is not binding precedent of the Board.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 DONALD SPECTOR  
\_\_\_\_\_

Appeal No. 95-4351  
Application 08/048,109<sup>1</sup>  
\_\_\_\_\_

ON BRIEF  
\_\_\_\_\_

Before URYNOWICZ, MARTIN and LEE, Administrative Patent Judges.  
MARTIN, Administrative Patent Judge.

**DECISION ON APPEAL**

This is an appeal under 35 U.S.C. § 134 from the final rejection of claims 1-3, which are all of appellant's pending

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<sup>1</sup> Application for patent filed April 15, 1993.

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claims, under 35 U.S.C. § 103 as unpatentable over prior art. We reverse.

The claimed invention is an audio-visual display system for presenting a series of still pictures in synchronism with the playback of one or more recorded audio programs. The audio program information includes audio-frequency cue signals for controlling the visual display apparatus, which is in the form of a circular disk rotated by a stepping motor.

Claim 1, the sole independent claim, reads as follows:

1. An audio-visual system which makes it possible for a user to see during successive time periods a still image of a particular subject while listening to a program related thereto; said system comprising:

a. an audio-record player having a loud speaker and an output jack to which are both fed signals derived from the record being played;

b. a record to be played by the player having a recording thereof of a series of programs producing signals that lie in the sonic range, each related to a different subject, each program being preceded by a cue signal recording that lies in a range outside the sonic range; and

c. a viewer unit for successively presenting to the eyes of the user at a viewing position a series of a film frames, each having an image of a subject corresponding to a subject in a respective program in the recording, said unit including a stepping motor responsive only to each cue signal yielded at the output jack to advance to the viewing position, the image frames being supported in a circular disc that is rotated by the stepping motor, said stepping motor being provided with a control circuit having an input jack coupled to the output jack of the player through a high-pass filter that rejects said sonic signals and passes said cue signals, said control circuit supplying

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operating power activating said motor each time said cue signal is received thereby, said high-pass filter being interposed between the input jack and the control circuit to reject signals in the audio range and to pass the supersonic cue signals, said viewing unit being provided with the straps so as to be supported on the head of the user.

The references relied on by the examiner are:

Cannon	3,851,116	Nov. 26, 1974
Horvath	3,963,335	June 15, 1976
Taylor	4,277,152	July 7, 1981
Hattori	4,636,866	Jan. 13, 1987

Claims 1-3 stand rejected under § 103 as unpatentable for obviousness over Taylor in view of Cannon, Horvath and Hattori.<sup>2</sup>

Taylor discloses means for advancing a film strip in a projector in response to the detection of cue signals recorded on an audio tape, such as an audio cassette (col. 1, lines 29-52). No other information about the cue signals, such as the frequency, is disclosed. The film images are projected onto a projection screen (col. 2, lines 66-68).

Cannon discloses the use of ultrasonic cue signals (col. 7, lines 7-55) which are recovered by filtering and used to control the speed and position of a magnetic tape, which may

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<sup>2</sup> Hattori is incorrectly identified as "Horvat" in the Answer (at 3).

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include audio, slow-scan video, digital, or analog information (col. 1, lines 17-21).

Horvath discloses an audio-visual system in which audio-visual cartridges are inserted into a housing that resembles a television set and has a rear-projection screen. The cartridge contains a circular disc on which photographic images are recorded and an endless magnetic tape on which are recorded audio signals and control signals. Detection of a control signal results in a brake pawl being momentarily removed from one of the brake notches in the edge of the circular disc, thereby allowing the disc to be rotated by the drive motor to the next brake notch so as to display the next picture (col. 7, lines 13-39). The drive motor is a continuous motor rather than a stepping motor.

Hattori discloses goggles which include liquid-crystal display devices and earphones. The audio and video signals may be provided by television receiving circuitry.

The examiner also contends that it is well known in the art to use a stepping motor in a film projector (Answer at 4).

Assuming for the sake of argument that it would have been obvious in view of Cannon to record Taylor's cue signals as ultrasonic signals which are separable from the audio information by means of a high pass filter, we are not persuaded that it also

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would have been obvious in view of Horvath and Hattori to replace Taylor's photographic film strip, projection apparatus, and projection screen with a circular photographic film disk and head-mounted viewer, as required by the claim. Specifically, we agree with appellant that the artisan would not have considered Hattori's head-mounting technique, which is applied to liquid crystal display devices, to be applicable to the display of images recorded on a photographic film disc of the type disclosed by Horvath. The only motivation for combining the reference teachings in this manner comes from appellant's disclosure. See In re Laskowski, 871 F.2d 115, 117, 10 USPQ2d 1397, 1398 (Fed. Cir. 1989) (something in the references as a whole must suggest the desirability, and thus the obviousness, of making the combination). Accordingly, the rejection of claim 1 is reversed, as is the rejection of dependent claims 2 and 3.

REVERSED

STANLEY M. URYNOWICZ, JR.        )  
Administrative Patent Judge        )  
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JOHN C. MARTIN	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
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