

The opinion in support of the decision being entered today was **not** written for publication is **not** binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RUSSELL F. LEWIS, MARK B. SHADOWENS,
GERHARD P. H. DEFFNER and GERALD G. BIRDWELL

Appeal No. 1997-1014
Application 07/991,013

ON BRIEF

Before KRASS, JERRY SMITH, and LALL, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1, 2, 11 and 12. Claims 3-10 and 13-24

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have been indicated by the examiner as being directed to allowable subject matter.

The invention pertains to a multiple purpose communication system as set forth in representative independent claim 1, reproduced as follows:

1. Apparatus for integrating communication functions, information storage and processing functions, and control functions, comprising:

a plurality of electrical circuits for communicating information, including a processor and an associated memory for executing communication, control, and information programs and applications with the electrical circuits;

a microphone for entering information into the apparatus;

a speaker for receiving information from the apparatus;

an interactive visual display for providing an interface between the apparatus and a user of the apparatus;

a receptacle for installing at least one of a plurality of interchangeable application modules into the apparatus;

each application module having an electrical circuit for executing communication programs and applications in cooperation with the electrical circuits of the apparatus; and

voice recognition means for activating selected communication programs and applications.

The examiner relies on the following references:

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Schnars et al (Schnars) 1989	4,797,924	Jan. 10,
Takagi et al (Takagi) 1994	5,335,273	Aug. 2,
Thompson et al (Thompson) 1994	5,335,276	Aug. 2,

Sharp Electronics, "Wizard, The Gift of Organization" (1992)

Claims 1 and 2 stand rejected under 35 U.S.C. 103 as unpatentable over Takagi in view of Sharp and Schnars. Claims 11 and 12 stand rejected under 35 U.S.C. 103 as unpatentable over Takagi in view of Sharp.

An obviousness-type double patenting rejection against claims 1-24, entered as a new ground in the answer, was later withdrawn by the examiner in response to a terminal disclaimer filed by appellants.

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

OPINION

Among other things, each of independent claims 1 and 11 requires "each application module having an electrical circuit

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for executing communication programs and applications in cooperation with the electrical circuits" of either the apparatus [claim 1] or the communication device [claim 11].

The examiner finds this claim limitation to be met by the separate calculator or clock modules of Takagi. We disagree.

There is no teaching in Takagi to suggest that the disclosed clock and calculator modules are anything but separate units merely placed in a compartment on the telephone apparatus to give the telephone extra functional capabilities. Takagi does not

suggest that these modules are interconnected with any electrical circuits in the main body of the telephone in any manner. To suggest that the modules are anything but wholly contained units in and of themselves which are merely placed, alternatively, in a compartment of the larger device amounts to mere speculation.

Now it should be noted, and appellants recognize, that while the calculator and clock modules of Takagi are not interconnected to any circuitry in the body of the telephone,

there is a third embodiment which includes an optical connection whereby data from a telephone module is transferred to the main body. This, however, does not necessarily suggest electrical circuits of the module being "in cooperation" with electrical circuits of the apparatus. But, Takagi also discloses a fourth embodiment whereby a telephone memorandum module 76 has a male connector 82 adapted to engage a female connector 74 of member 72. Now, appellants contend that "nowhere does Takagi teach or suggest that female connector 74 and male connector 82 are electrical connectors" and appellants conclude that Takagi's disclosure relates only to "structural connectors" [reply brief-page 5]. We disagree with that assessment because Figure 20 of Takagi, taken together with the description, at column 7, lines 32-39, that female connector 74 on mounting member 72 is connected through a

flexible printed wiring board 94 to the printed wiring board provided in the body 2, so that data can be transmitted from the telephone memorandum module to the body 2, is a clear

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indication, to us, that there is an electrical connection between the module and the main body.

However, even though Takagi may show an electrical connection between the main body and the module, the instant claims still require that the electrical circuit of the module execute communication programs and applications in cooperation with the electrical circuits of the apparatus. The examiner's rejection provides no showing of this limitation in any of the applied references nor does the examiner come to grips with the question as to why it would have been obvious to modify the applied references.

Since the module must be capable of executing communication programs and applications, the module must have a processor. There is no indication that the telephone memorandum module of Takagi has such a processor nor is it seen that such a memorandum module for merely passing data would require such a processor. It is likely that the calculator module of Takagi has its own processor but this module is not disclosed as being, in any way, electrically connected to the apparatus. But even if the module of Takagi

had its own processor and was electrically connected to the apparatus, the claims still require that the module's electrical circuit execute communication programs and applications (a function not suggested by Takagi or any other applied reference) and, moreover, that it do so "in cooperation with the electrical circuits" of the apparatus, or communication device. The electrical circuits of the apparatus must also have a processor. There is clearly no indication in Takagi that both the main body of the telephone and the module have processors nor does it seem even likely that Takagi would even need a processor in each of the main body and the module in view of the rather simple and mundane functions described by Takagi, i.e., transfer of data from a telephone memorandum module to the main body. In any event, there clearly is no disclosure or suggestion in Takagi, or in any other applied reference, for processing circuitry in each of the main body apparatus and the module whereby there is interaction between the two such that an electrical circuit in the module executes communication programs and applications in

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cooperation with the electrical circuits of the apparatus or communication device.

Accordingly, we hold that the examiner has not established a prima facie case of obviousness of the instant claimed subject matter and we will not sustain the rejection of claims 1, 2, 11 and 12 under 35 U.S.C. 103.

The examiner's decision is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
JERRY SMITH)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
PARSHOTAM S. LALL)	
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