

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(2) is not binding precedent of the Board.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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte CAROL A. J. STANLEY
and MARGARET H. CHRISTENSEN

Appeal No. 95-2189
Application 08/104,872¹

HEARD: MAY 5, 1998

Before HAIRSTON, TORCZON and CARMICHAEL, ***Administrative Patent Judges.***

CARMICHAEL, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is an appeal from the final rejection of claims
2-14 and 17. Claims 15 and 16 are the other claims remaining

¹ Application for patent filed August 10, 1993.

Appeal No. 95-2189
Application 08/104,872

in the application, but applicant does not contest their rejection.

Claim 17 reads as follows:

17. A device for use with a computer mouse comprising:

platform means for defining a surface for movement of a computer mouse thereon and including an upper end for defining said surface and a lower end for providing a flat pad for locating one elbow of a user when the user is positioning a computer mouse on said surface;

support means for supporting said platform means in an operable position and being adapted to adjustably incline said platform means with respect to the horizontal to adjust the orientation of said surface with respect to said pad and to provide a surface of support for a user from said elbow to said mouse; and

frame means mounted on said platform means for defining a predetermined area in said platform means surface for limiting movement of said mouse to said predetermined area, said frame means including a rectangular frame sized to define said predetermined area and guide rails for adjustable movement of said frame with respect to a location on said platform means, said frame being adjustable to vary the distance between said surface and said flat pad to vary the length of said surface of support to accommodate a specific user.

The Examiner's Answer cites the following prior art:

Appeal No. 95-2189
Application 08/104,872

Broos	4,369,439	Jan. 18,
1983		
Hassel et al. (Hassel)	5,219,136	June 15,
1993		

Nassimbene, E.G., "Mouse/Keyboard Concept Incorporating Unique Devices for Controlling CRT Display Cursors", IBM Technical Disclosure Bulletin, March 1985, pages 6299-6305.

OPINION

Claims 2-9 and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-17 stand rejected under 35 U.S.C. § 103 as unpatentable over Hassel in view of Broos and Nassimbene.

Indefiniteness

First, the examiner states that it is not clear how an upper end of the surface defines the surface. In light of the disclosure, we find the language sufficiently definite. An upper end of a surface may help define a surface and we detect no ambiguity.

Appeal No. 95-2189
Application 08/104,872

Second, the examiner states that it is not clear if the flat pad is part of the surface. We agree with appellant that the language, even if inelegant, sufficiently defines a platform means with an upper end for defining a surface and lower end for providing a flat pad. Appeal Brief at 5.

Third, the examiner states that both the surface and flat pad are recited in claim 15 as parts of the "predetermined area" and that claim 17 has the same problem. We are unable to find such a problem in claim 17.

Thus, the rejection of claims 2-9 and 17 for indefiniteness under 35 U.S.C. § 112, second paragraph, is not sustained.

Obviousness

Appellants argue *inter alia* that even if the reference teachings were combined in the manner proposed by the examiner, it would not result in the claimed invention. Appellants point out that the claimed invention requires a surface of support for a user "**from said elbow to said mouse**" and yet none of the references teaches such a surface.

Appeal No. 95-2189
Application 08/104,872

The examiner states that the elbows of a child might land on Hassel's support 30.

Even if a small child's elbows rested on Hassel's wrist support 30, there would be no support from the elbow to a mouse in the child's hand. Rather, the forearm would be suspended over the gap between wrist support 30 and keyboard platform assembly 20 as seen in Figure 1.

The examiner identifies no teaching or suggestion in the cited prior art for a surface of support for a user from the elbow to the mouse in combination with an adjustable frame. Therefore, the rejection of claims 2-14 and 17 for obviousness under 35 U.S.C. § 103 is not sustained.

CONCLUSION

The indefiniteness rejection of claims 2-9 and 17 is not sustained. The obviousness rejection of claims 2-14 and 17 is not sustained.

REVERSED

KENNETH W. HAIRSTON)

Appeal No. 95-2189
Application 08/104,872

	Administrative Patent Judge)	
)	
)	
)	
)	
PATENT	RICHARD L. TORCZON)	BOARD OF
	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
	JAMES T. CARMICHAEL)	
	Administrative Patent Judge)	

Eugene E. Renz, Jr.
P.O. Box 2056
205 North Monroe Street
Media, PA 19063-9056