

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(2) is not binding precedent of the Board.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. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TONY S. PARTOW
and WILLIAM K. PETTY

Appeal No. 96-0671
Application 08/192,078¹

ON BRIEF

Before URYNOWICZ, KRASS, and MARTIN, Administrative Patent
Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of
claim 5. Claims 6 through 8 have been indicated by the examiner
as allowable and are not before us on appeal.

The invention is directed to a digitizing tablet and, more
particularly, to the cancellation of common-mode signals in such
a tablet.

¹ Application for patent filed February 4, 1994.

Instant claim 5 requires, inter alia, that the x-y position of the stylus be computed "using a computation based on differences between four pairs of distance signals." As an example, instant Figure 6 shows these four pairs as "A-C," "B-D," "A-D" and "C-B."

The reference to Asher clearly does not disclose the claimed "four pairs of distance signals." The examiner relies on Figure 9 of Asher wherein voltage signals V_r , V_l , V_t , and V_b are related to distance signals from each corner of the tablet. However, these voltage signals are then paired up into two pairs ($V_r - V_l$ and $V_t - V_b$), rather than the claimed "four pairs."

The examiner appears to indicate that the voltage signals of Asher really do show "four pairs," as claimed, because each voltage signal represents the voltage between a certain point and ground potential. As pointed out by appellants, such an interpretation is improper because claim 5 also calls for the suppression of "common-mode signals" and so ground potential cannot be part of the claimed pairs of distance signals. But, in any event, even if the four voltage signals of Asher are to be so construed, the x-y position of the stylus in Asher is still computed based on the differences between only two pairs of signals through differential amplifiers 50 and 51, and not on the "four pairs" required by instant claim 5.

Appeal No. 96-0671
Application 08/192,078

Accordingly, Asher does not meet all of the limitations of instant claim 5 and we will not sustain the rejection of claim 5 under 35 U.S.C. ' 102(b).

The examiner's decision is reversed.

REVERSED

Stanley M. Urynowicz, Jr.)	
Administrative Patent Judge)	
)	
)	
)	
Errol A. Krass)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
John C. Martin)	
Administrative Patent Judge)	

tdc

Appeal No. 96-0671
Application 08/192,078

Townsend and Townsend and Crew, LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834