

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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***Ex parte*** KARL M. GUTTAG,  
CARRELL R. KILLEBREW, JR.  
and JERRY R. VAN AKEN

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Appeal No. 1997-0400  
Application No. 08/080,735

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ON BRIEF

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Before RUGGIERO, HECKER, and DIXON, **Administrative Patent Judges**.  
DIXON, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the examiner's final rejection of claims 34, 37, 40 and 51<sup>1</sup>-54, which are all of the claims pending in this application.

We REVERSE.

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<sup>1</sup> We note that claim 51 was originally presented on Dec. 10, 1992. The claim set forth that either the look-up data or the majority bits were selected to be displayed. On June 22, 1993, "majority" was amended to recite "minority" in the penultimate line without discussion thereof. This does not appear correct in light of the embodiment in Figure 56 and discussion at page 97 of the specification.

## **BACKGROUND**

The appellants' invention relates to palette devices with a true color mode. The invention selects between the display of data from a look-up table or from direct display data without being processed by a look-up table. An understanding of the invention can be derived from a reading of exemplary claim 34, which is reproduced below.

34. A palette device controllable by a digital computer with a video memory to produce signals representing color for a color display device, said palette device comprising:

a multiple-bit input latch for storing multibit color codes from the video memory, each multibit color code consisting of a first predetermined plurality of minority bits and a second predetermined plurality of majority bits, said second predetermined plurality being greater than said first predetermined plurality;

a look-up table memory connected to said multiple-bit input latch for supplying color data words in response to color codes comprising minority bits recalled from said multiple-bit input latch;

a digital to analog converter responsive to color data words to produce an analog color signal;

a detector circuit connected to said minority bits of said multiple-bit input latch for detecting a predetermined condition on said minority bits stored in said multiple-bit input latch; and

selection circuitry having inputs connected to receive majority bits from said multiple-bit input latch and also connected to receive color data words supplied by said look-up table memory, having a control input connected to said detector circuit and an output connected to said digital to analog converter, said selection circuitry supplying said digital to analog converter either with a color data word supplied by said look-up table memory when said detector circuit fails to detect said predetermined condition or with a color data word comprised of the majority bits from the

Appeal No. 1997-0400  
Application No. 08/080,735

multiple-bit input latch when said detector circuit detects said predetermined condition.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Williams	4,672,368	Jun. 09, 1987
Maeda	4,712,099	Dec. 08, 1987
Tabata et al. (Tabata)	4,808,989	Feb. 28, 1989

Claims 34, 37, 40 and 51-54 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tabata in view of Williams and Maeda.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 28, mailed Mar. 4, 1996) and the supplemental examiner's answer (Paper No. 30, mailed Jul. 17, 1996) for the examiner's reasoning in support of the rejections, and to the appellants' brief (Paper No. 26, filed Nov. 20, 1995), reply brief (Paper No. 29, filed May 2, 1996), and supplemental reply brief (Paper No. 31, filed Sep. 13, 1996) for the appellants' arguments thereagainst.

### **OPINION**

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

Appellants argue that Tabata does not teach or suggest directly supplying the bit in plane 15P, which the examiner relies upon to teach the minority bits, to the selectors 117-119 to select between either the look-up color data or the direct display color data.

Appellants argue that Tabata routes the bit 113P to the area discriminator circuit 17. (See brief at page 4.) We agree with appellants. Moreover, appellants argue that bit 113P is not input to the look-up table to determine the appropriate color data words. **Id.**

Appellants further argue that Tabata implies that bit 113P is not input to the look-up table (LUT) because it may be supplied by another memory in synchronism with the bit map memory. (See supplemental reply brief at pages 2-3.) We agree with appellants. From our review of Tabata, we find that the selection bit 113P (or bits in combination with Maeda), which correspond to the claimed minority bits, is not input to the look-up table, but is only used in the selection process. Therefore, Tabata teaches three groups of bits, the LUT bits 113, the direct display bits 117-119 and the selection bit 113P. Although, Tabata teaches the bypass of the LUT by the direct display, Tabata does not clearly teach or suggest the use of the LUT data in the selection process.

Appellants argue that Maeda does not remedy the deficiencies in Tabata because Maeda uses an equal number of bits for the look-up and the direct display. Furthermore both the look-up and the direct display data are both processed through the look-up table/memory. (See brief at page 4.) We agree with appellants. The examiner relies

Appeal No. 1997-0400  
Application No. 08/080,735

upon Williams merely to teach the well-known use of data latches. Therefore, Williams does not remedy the deficiencies in the combination of Tabata and Maeda.

Since the applied combination does not meet the limitations recited in independent claims 34 and 51, the examiner has not set forth a *prima facie* case of obviousness, therefore, we cannot sustain the rejection of independent claims 34 and 51 nor their dependent claims 37, 40 and 52-54.

### CONCLUSION

To summarize, the decision of the examiner to reject claims 34, 37, 40 and 51-54 under 35 U.S.C. § 103 is reversed.

REVERSED

JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
STUART N. HECKER	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

Appeal No. 1997-0400  
Application No. 08/080,735

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