

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte KAZUAKI IWAMURA, YASUYUKI KIKUCHI,  
KAZUO WATANABE, MASAKAZU MATSUO,  
and YOSHIZO ITO

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Appeal No. 1997-3145  
Application No. 08/058,199

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Heard: September 11, 2001

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Before HAIRSTON, JERRY SMITH, and LEVY, Administrative Patent Judges.

LEVY, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 5-12, 14-20, and 22-36, which are all of the claims pending in this application. Claims 1-4 have been canceled.

BACKGROUND

Appellants' invention relates to a method and apparatus for displaying a target region and an enlarged image. An understanding of the invention can be derived from a reading of exemplary claim 32, which is reproduced as follows:

32. An image displaying method, in an image displaying apparatus, of enlarging a specified region in an entire original image displayed on a display screen and displaying the enlarged specified region on said display screen, said method comprising the steps, performed by said image displaying apparatus, of:

pointing, by use of an input device, to specify a target on said display screen;

selecting one of a plurality of conditions including an area of an enlargement target region including said specified target, an area of an enlarged image display region and a value of an enlargement ratio between said enlargement target region and said enlarged image display region;

determining other values so as to satisfy said selected condition; and

simultaneously displaying without overlap said enlargement target region and said enlarged image display region on said display screen over said entire original image on the basis of said determined values;

said simultaneous displaying step including the step of: automatically arranging said enlargement target region and said enlarged image display region based on said selected condition.

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

Waller 1985	4,532,605	Jul. 30,
Tabata et al. (Tabata) 1987	4,716,404	Dec. 29,
Hama et al. (Hama) 1988	4,751,507	Jun. 14,
Stadler 1986 (European Patent Application)	0 171 663	Feb. 19,
Berry et al. (Berry) 1986 (European Patent Application)	0 185 845	Jul. 2,

Claims 5-12, 14-20, 22-26, and 31-36 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hama considered with Berry and Waller.

Claim 19 stands rejected under 35 U.S.C. § 103 as being unpatentable over Hama considered with Berry and Waller, and further in view of Stadler.

Claims 27-30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hama considered with Berry and Waller, and further in view of Tabata.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 24, mailed July 12, 1996) and final rejection (Paper No.

14, mailed January 17, 1995) for the examiner's complete reasoning in support of the rejections, and to appellants' brief (Paper No. 20, filed February 2, 1996) for appellants' arguments thereagainst. Only those arguments actually made by appellants have been considered in this decision. Arguments which appellants could have made but chose not to make in the brief have not been considered. See 37 CFR 1.192(a).

#### OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the rejections advanced by the examiner, and the evidence of obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellants' arguments set forth in the brief along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the final rejection and examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary

skill in the art the invention as set forth in the claims.

Accordingly, we reverse.

We consider first the rejection of claims 5-12, 14-20, 22-26, and 31-36 based on the teachings of Hama, Berry, and Waller.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227

USPQ 657, 664 (Fed. Cir. 1985); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). If that burden is met, the burden then shifts to the applicants to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole. See id.; In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976).

The examiner's position (final rejection<sup>1</sup>, page 2) is that Hama does not teach:

a) displaying the target area and the enlarged display of the target area over an original view of the target area; and

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<sup>1</sup> Incorporated by reference into the examiner's answer for both the rejection of the claims and the examiner's response to the arguments set forth in the brief (answer, pages 3 and 4).

b) automatically adjusting the position of the target area and enlarged display area to preserve the view of the target area.

To overcome these deficiencies of Hama, the examiner turns to Berry (final rejection, page 3) for a teaching of selecting a target area and automatically placing a related window of information at positions which will not overlap the selected target area. The examiner additionally relies upon Waller (id.) for a teaching of "a system which displays over an original of a target area an enlarged view of the target area." The examiner concludes (id.) that it would have been obvious to "automatically adjust the position of Hamas' [sic] target area and enlarged display area over the original image of the target area to give perspective to the observer and to preserve the view of the target area."

Appellants assert (brief, pages 7 and 8) that Berry discloses a system for displaying HELP text. When a HELP menu is called up, a blank area in a selected quadrant of the screen is sought. However, the HELP menu is not an enlarged image of a portion of the original image 11, and Berry "is not even remotely related to the displaying without overlap of an

enlarged image display region relative to an enlargement target region over an original image as recited in the claims." Appellants further assert (brief, page 9) that Waller does not teach a system which displays an enlarged image over an original image. Appellants additionally assert (brief, page 10) that the combination of Hama, Berry and Waller fails to teach the automatic arranging of the enlarged image display region and the enlargement target region based on conditions such as the size of the enlarged image display region, etc.

Hama discloses (col. 1, lines 62-67) that in the prior art, "display of both a general enlargement indicator and a detailed partial image is known, but has the disadvantage that the operator cannot simultaneously view the entire image. This requires alternatively viewing the entire image and selected portions of that image." To solve this problem, Hama discloses display of both the full original image 22 on part of the screen 6, including the general enlargement indicator cursor 25 having cross-hairs 26, as well as an enlargement (enlarged

image display region) 23 of the partial image (enlargement target region) 25 defined by the cursor. The full original image 22 is displayed in reduced resolution, and the detailed partial image 23 is displayed in higher resolution. The images 22, 23 are displayed in discrete first and second display areas (col. 5, lines 14 and 15), i.e., the images do not overlap.

Berry discloses (page 1) that in the prior art, a help screen can be presented in a window on the same screen from which help was called. However, the help information is displayed at a dedicated location of the screen, which often results in pertinent information being blocked from view. Alternatively, the help may be displayed on a separate screen (page 3). Berry discloses dividing the screen into quadrants. As shown in Fig. 1, a quadrant is sought having sufficient blank space to position a minimum amount of meaningful help. If no quadrant exists with enough blank space to position a minimal amount of meaningful help, "a minimal amount of meaningful help is written into and over a portion of the information in the 4th quadrant" (page 6). Moreover, Berry discloses (page 7) that "help is written over existing

information which is not related to the operating point [cursor], but as close as possible to the operating point." In addition, Berry discloses (page 4) that "if the blank space is large enough to contain more than a minimal amount of help, the blank space can be filled with help." Berry further discloses (page 6) that in determining which quadrant to select, "[i]t is desirable not to have related information overlaid or covered up with help." In addition, the user can adjust the size and location of the help information. Further, Berry discloses (page 7 and figure 3) that instead of displaying help in a quadrant of the screen, the screen may be divided vertically if the screen is small. However, although the right half of the screen is available for help information, the entire original image is not fully displayed. As shown in figure 3, only information on the left side of the screen is displayed.

With regard to Waller, the examiner is silent as to the portion of Waller being relied upon. From our review of Waller, we find that Waller is directed to a zoom operation wherein a one-pixel width for each line of zoomed image can be maintained regardless of the degree of magnification of the

zoomed image (col. 1, lines 44-51). Waller discloses (figures 1C and 1D) an original image with an area 10 selected for enlargement. Another capability of the zoom operation is shown in figure 2, where Waller discloses viewports 12 and 12A for displaying an enlarged view 12A, of a portion of an image along with the original image 12. Waller discloses (col. 3, lines 39-43, See also col.7, lines 7, line 61 through col. 8, line 31) that "[t]he present invention is capable of displaying up to 64 viewports, simultaneously, on the CRT screen of the graphics display terminal. For simplicity purposes, only two viewports are shown in FIG. 2." Waller is silent as to whether the up to 64 viewports that may be simultaneously displayed on the CRT will be on top of the original image, whether they will cover the portion of the image that is enlarged, etc. Waller additionally discloses (col. 5, lines 19-27, col. 5, lines 52-60, and col. 6, lines 16-25) that if two surfaces comprised of bit planes (figure 4) are selected, two images will be displayed on the CRT, with each image being capable of being displayed independently of one another or superimposed upon one another to create a

composite image. An example of a composite image is shown in figure 1A.

Thus, from the teachings of Hama, Berry, and Waller, we find that because Hama discloses overcoming a problem in the art (i.e., alternate viewing of the entire image and the selected portion of the image) by placing the enlarged partial image 23 on a separate portion of the display screen 6 from the original image 22 and enlargement indicator 25 so that the entire image can be viewed along with the partial image, Hama teaches away from overlaying the enlarged partial display 23 on top of the original display. We additionally find that Berry discloses, inter alia, searching for a blank quadrant of the screen to place the help information at a location other than the operating point (cursor); determining which quadrant to choose based upon a quadrant having information related to the requested information, and automatic sizing of the help information to fill the blank area of the screen if the blank area is large enough. However, in Berry, the amount of help information displayed by the system is determined by the amount of blank space available. In addition, Berry does not disclose display of information already on the display screen.

Nor does Berry disclose display of an enlarged portion of an image that is on the screen, along with the image. Thus, we find that the teachings of Berry are not combinable with the teachings of Hama.

Waller teaches that two images may be superimposed or displayed independently, and that an enlargement of a partial image may be displayed next to the original image as viewports on a display screen (figure 2). However, Waller does not make up for the deficiencies of Hama and Berry because we find no showing in Waller, nor has the examiner pointed to any suggestion, that a viewport of an original image will have an enlarged partial image that is displayed, without overlap, over the original image and the portion of the image selected for enlargement (enlargement target region).

In sum, we find that Hama teaches away from the proposed combination advanced by the examiner, and that the only suggestion for the proposed combination of Hama, Berry, and Waller comes from appellants' disclosure. We note, however, that independent claim 36, in contrast to the other independent claims 31-35, does not disclose that the enlarged image display is displayed over the entire original image (or

predetermined information of claim 31). However, as asserted by appellants (brief, page 17) the combination of Hama, Berry, and Waller does not teach or suggest the claimed "means for providing priority to one of a plurality of selected conditions . . . enlarged image display region." We find no teaching of this limitation in the prior art applied by the examiner, and the examiner has not pointed to any teaching in the prior art that would suggest "means for providing priority to one of a plurality of selected conditions . . . enlarged image display region." Accordingly, we find that the examiner has not established a prima facie case of obviousness of claims 5-12, 14-20, 22-26, and 31-36. The rejection of claims 5-12, 14-20, 22-26, and 31-36 under 35 U.S.C. § 103 is therefore reversed.

We turn next to the rejection of dependent claim 19 under 35 U.S.C. § 103, where the examiner additionally relies upon the teachings of Stadler. As Stadler does not make up for the deficiencies of the basic combination of Hama, Berry, and Waller, the rejection of claim 19 is therefore reversed.

We turn next to the rejection of claims 27-30 under 35 U.S.C. § 103, where the examiner additionally relies upon

Tabata. As Tabata does not make up for the deficiencies of the basic combination of Hama, Berry, and Waller, the rejection of claims 27-30 is therefore reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 5-12, 14-20, 22-36 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON )

Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
JERRY SMITH	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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STUART S. LEVY	)	
Administrative Patent Judge	)	

SSL/kis

ANTONELLI, TERRY, STOUT & KRAUS  
SUITE 1800  
1300 NORTH SEVENTEENTH STREET  
ARLINGTON, VA 22209