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HARTMAN PATENTS PLLC 3399 FLINT HILL PL. WOODBIDGE, VA 22192			SORRELL, ERON J	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/020,037.

PATENT NO. RE43707 ET AL.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

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## DETAILED ACTION

### *Summary of the Proceeding to Date*

- 1) The present reexamination proceeding is being examined under the pre-AIA first to invent provisions.
- 2) On 12/28/12, a Third Party requested *ex parte* reexamination of claims 36, 46, 54, 64-82, 85-88, 91-94, 98-104, and 107 of U.S. Patent No. RE43,707 to Kimpe et al. (hereinafter "the '707 Patent").
- 3) On 3/19/13, an Order for reexamination and the corresponding Non-final Office action rejecting all the claims identified in the request were mailed.
- 4) On 5/21/13, the Patent Owner filed a response to the Non-final office action, providing arguments directed toward the outstanding rejections and adding new claims 116-130.
- 5) On 9/20/13, a final Office action was mailed wherein the rejections of claims 64, 65, 67-73, 77-79, 81, 82, 91, 98, 99 were maintained, while new claims 116-118 are also rejected. Claims 36, 46, 54, 66, 74-76, 80, 85-88, 93, 94, 100-104, 107 were confirmed, while new claims 119-130 are found to be patentable over the art of record.
- 6) Responsive to that action the Patent Owner filed a response after final on 11/22/13, canceling claims 67, 81, 82, and 116; amending claims 68, 71, 74, 98, 117, and 118; and providing

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further arguments regarding the outstanding rejections which are fully addressed below in the order presented.

7) With this action, the rejections of claims 64, 65, 77-79, and 91 are maintained, while the rejections of claims 68-74, 98, 99, 117, and 118 are withdrawn for the reasons set forth below.

### **Response to arguments**

The Patent Owner argues that Kawase in view of Kamada fails to render obvious claims 64, 65, 71-73, 77-79, 98, and 99. At page 7 of the Remarks the Patent Owner argues,

"Claims 64, 65, 71-73, and 77-79 depend from claim 62. Claim 62 recites an array of logic elements configured to generate a display signal based on a map that comprises correction data configured to produce a desired non-uniform light-output response. The Patent Owner respectfully reiterates that Kawase fails to teach this feature..."

the Patent Owner continues,

"i) Correction of "any display unevenness produces a uniform response... The Patent Owner respectfully notes that the Office Action's argument is contradictory: if "any display unevenness is corrected," then it is clear that the correction data has produced a uniform response."

### **Examiner's Response:**

The Examiner disagrees. Kawase does indeed produce a non-uniform response. At lines 31-47 of column 18 Kawase teaches,

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"This luminance capturing and correction operation is sequentially carried out across all of the pixels. Once renewal of the correction value has been carried out one time on all of the pixels, the correction operation is carried out again. Namely, until the deviation between the luminance information (the emission current amount  $I_e$ ) and the target value (a value having an established correlation with a target luminance value  $I_d$ ) reaches or falls below a fixed value, the renewal of correction value is repeated. With regard to the conditions of convergence, as a rough measure of deviation, it is desirable that deviation from the target value be 40 dB or less, though this also depends on the image to be displayed."

This passage shows that there is some allowed deviation between the luminance information and the target value. Here Kawase teaches the correction process is repeated again and again, until the deviation reaches a fixed value or crosses a threshold. Kawase also gives a recommendation as to the amount of deviation, i.e. 40 dB.

The Patent Owner further argues:

"ii) Kawase uses different correction value to produce a uniform response... As noted above, if "any display unevenness is corrected," then the display is uniform, with the same light-output response at each pixel... The Patent Owner respectfully reiterates that the desired response of Kawase is uniformity (see, e.g., abst.)."

See page 8 of the remarks.

**The Examiner's Response:**

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