

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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RUDI JUNGHANS and MATHIAS ZUBER

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Appeal No. 2001-0092  
Application No. 09/033,145

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ON BRIEF

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Before McQUADE, NASE, and LAZARUS, Administrative Patent Judges.  
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 5, which are all of the claims pending in this application.<sup>1</sup>

We REVERSE.

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<sup>1</sup> Claim 1 was amended subsequent to the final rejection.

BACKGROUND

The appellants' invention relates to a central lubrication system for a rotary printing press. A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

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

Krambs 1990	4,967,880	Nov. 6,
Zoch et al. (Zoch) 1996	5,565,094	Oct. 15,

Claims 1, 4 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krambs.

Claims 2 and 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Krambs in view of Zoch.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the final rejection (Paper

No. 8, mailed September 7, 1999) and the answer (Paper No. 14, mailed April 21, 2000) for the examiner's complete reasoning in support of the rejections, and to the brief (Paper No. 13, filed March 20, 2000) and reply brief (Paper No. 15, filed June 26, 2000) 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.

**The anticipation rejection**

We will not sustain the rejection of claims 1, 4 and 5 under 35 U.S.C. § 102(b).

To support a rejection of a claim under 35 U.S.C. § 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of

inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Claim 1 reads as follows:

A central lubrication system for a rotary printing press where water will enter the lubrication system only in exceptional circumstances, comprising:  
a central supply of lubricant for individual lubricating points;  
a line system for feeding an oversupply of lubricant to the individual lubricating points;  
a lubricant return system for returning the excess lubricant;  
a test box connected, upstream of the central supply, to the lubricant return system;  
a sensor received in said test box, said sensor in said test box constantly testing the lubricant for the presence of a certain percentage of water in the lubricant;  
an inlet formed in said test box, said inlet connected to the lubricant return system; and  
an outlet formed in said test box so that the lubricant is able to circulate about said sensor in said test box between said inlet and said outlet thereof.

Krambs' invention relates to a monitoring process on machine assemblies with central lubrication in rotary printing presses, with such machine assemblies possibly being, for

example, printing units, which have a multiplicity of bearing points, engaging teeth, crank drives and similar. Via a central lubrication system, the lubrication points are supplied with lubrication oil, which is then collected and is checked in a central oil-collection tank for the possible occurrence of water, before being supplied to the central lubrication system.

Figure 1 of Krambs shows an oil-collection tank 1 on the operator side of a rotary printing press preferably in the region of the printing units. This oil-collection tank is supplied via a connection line 2 with the lubrication oil that escapes from bearing points in the printing press. A smaller oil tank 3 is provided inside oil-collection tank 1. The oil supplied via the connection line 2 flows into the smaller oil tank 3. The small oil tank is removable from the oil-collection tank 1, for which purpose a lid 4 is provided. Connection line 2 is attached to this lid 4 by means of a suitable connector sleeve 5. After the lid 4 is removed from

connection line 2, the smaller oil tank 3 can be taken out in order to clean and remove water from the smaller oil tank 3.

The oil supplied by Krambs' connection line 2 fills the small oil tank 3 until the latter overflows. The oil that overflows from the small oil tank 3 is then collected by larger oil-collection tank 1. Supported in the cover 6 of tank 1 is a float 7 or some other level detection arrangement. The float 7 has an upper switching position 8 and a lower switching position 9. When the oil in the tank 1 rises and float 7 makes contact with the upper switching position 8, an electrical signal is generated, which is supplied through a signal box 10 to a control device in a motor 11. This device switches on a motor 11, which drives a pump 12. By means of a continuous pumping suction line 13, the pump 12 pumps the oil out of the tank 1 until the level of oil in the tank lowers the float 7 to make contact with the lower switching position 9. Consequently, the motor 11 is switched off as a result of a further signal generated by the lower switching position 9.

A line 14 conducts the oil pumped out of tank 1 to a central oil-supply system 30 (see Figure 2).

Krambs teaches (column 4, lines 28-43) that should the lubrication oil supplied through the connection line 2 contain water, which might happen, for example, as a result of a leak in a cooling-water line, the water will collect in the lower region of the oil tank 3. If the leak entails just a few drops of water, these drops may remain in the oil tank 3 over a lengthy period of time without there being any detriment to the system. If, however, the quantity of water in the oil tank 3 rises to a predefined level, a sensor 15 generates a signal that disables the circuit of the motor 11 and that simultaneously generates a warning signal so that the printer, or other personnel, is able to detect and remedy the potentially damaging situation in the water supply. The small oil tank 3 is then emptied and the system is returned to normal operation.

As shown in Figure 2 of Krambs, a suitable sensor for detecting the presence of water in tank 3 comprises two concentrically located spaced apart tubes connected to the respective poles of a low voltage power supply, to provide a low voltage differential between the tubes. When water rises in tank 3 to a height that reaches the lower end of the concentric tubes, current begins to flow between the tubes. As the water rises above the lower end of the tubes, current flow reaches a threshold value sufficient to operate a sensor circuit 32. Sensor circuit 32 is connected to operate a relay or switch 34 to open the circuit that otherwise energizes motor 11 when signal box 10 calls for pump 12 to pump oil from large tank 1. Sensor circuit 32 also, preferably, operates to simultaneously energize an alarm device 36.

The appellants argue (brief, p. 6; reply brief, pp. 2-3) that the sensor of Krambs which tests for the physical accumulation of water is not a sensor which constantly tests the lubricant for the presence of a certain percentage of water in the lubricant as recited in claim 1 on appeal. We

agree. In that regard, Krambs sensor 15 does not constantly test the lubricant for the presence of a certain percentage of water in the lubricant since sensor 15 is a water level sensor which performs no testing of the lubricant for the presence of a certain percentage of water in the lubricant when the water level in tank 3 is below the lower ends of the concentric tubes of sensor 15.

Since all the limitations of claims 1 are not met by Krambs for the reasons set forth above, the decision of the examiner to reject claim 1, and dependent claims 4 and 5, under 35 U.S.C.

§ 102(b) is reversed.

**The obviousness rejection**

We will not sustain the rejection of claims 2 and 3 under 35 U.S.C. § 103.

We have reviewed the reference to Zoch additionally applied in the rejection of claims 2 and 3 (dependent on claim 1) but find nothing therein which makes up for the deficiency

of Krambs discussed above regarding claim 1. Accordingly, the decision of the examiner to reject claims 2 and 3 under 35 U.S.C. § 103 is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1, 4 and 5 under 35 U.S.C. § 102(b) is reversed and the decision of the examiner to reject claims 2 and 3 under 35 U.S.C. § 103 is reversed.

REVERSED

JOHN P. McQUADE	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
JEFFREY V. NASE	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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RICHARD B. LAZARUS	)	
Administrative Patent Judge	)	

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LERNER AND GREENBERG  
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