

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEO LOMBARDO and WAYNE CHARLES PETERSON

Appeal No. 2001-0225
Application 09/085,021

ON BRIEF

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

DECISION ON APPEAL

Leo Lombardo et al. appeal from the final rejection of claims 18 and 23 through 26. Claims 21, 22 and 27 through 34, the only other claims pending in the application, stand withdrawn from consideration pursuant to 37 CFR § 1.142(b).

The subject matter on appeal relates to a method of producing imaged mailers from mailer type business form

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intermediates. Representative claim 18 reads as follows:

18. A method of producing imaged mailers from mailer type business form intermediates comprising: a substantially quadrature sheet of paper having first and second faces, top and bottom edges substantially parallel to each other, and first and second side edges substantially perpendicular to the top and bottom edges and substantially parallel to each other; the top and bottom edges spaced a first distance, and the side edges spaced a second distance, less than the first distance; first and second lines of weakness formed in the sheet adjacent, but spaced from and substantially parallel to, the first and second side edges, respectively, to define first and second removable side margin portions; at least one fold line, including a first fold line formed in the sheet substantially parallel to the top and bottom edges, and defining the sheet into panels on opposite sides thereof; and a pattern of pressure activated cohesive in each of the side margin portions on at least the first face, the patterns for substantially preventing cupping so that improper feeding, jamming, and misfolding of the sheet is substantially avoided;

said method comprising the steps of: stacking the intermediates in a tray of a laser printer, and feeding the intermediates one at a time from the tray through the laser printer so that the side edges of the intermediates do not cup; imaging at least one face of each of the intermediates; ultimately folding the sheet about the at least one fold line to form a mailer; and then passing each mailer through a pressure sealer to act on the pressure cohesive to apply a sealing pressure of at least about 100 psi to each mailer to seal each intermediate into a sealed mailer.

Claims 18 and 23 through 26 stand rejected under 35

U.S.C.

§ 103(a) as being unpatentable over U.S. Patent No. 5,067,305

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to Baker et al. (Baker) in view of U.S. Patent No. 4,972,655
to Ogawa.

Attention is directed to the appellants' main and reply
briefs (Paper Nos. 14 and 16) and to the examiner's answer
(Paper No. 15) for the respective positions of the appellants
and the examiner with regard to the merits of this rejection.

Baker, the examiner's primary reference, discloses a
mailer apparatus (see Figure 1) comprising a laser printer 5
having an infeed tray T1 for envelope forms and an infeed tray
T2 for sheets, a folder sealer 6 having infeed trays T3 and T4
for pre-printed sheets, and an output stacker 7. In use,
"after printing, sheets are passed from laser printer 5 to
folder sealer 6 where they are accumulated with an envelope
form, folded and sealed, and output to stacker 7. . . .
[T]rays T3 and T4 . . . may be used to add pre-printed sheets
to the mail piece" (column 4, lines 34 through 39).

Of particular interest in this appeal is the envelope

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form 10 shown in Baker's Figure 2. As described in the reference,

[f]orm 10 includes an upper panel 12 having an upper (or trailing) flap 14 and a pair of side flaps 16. Panel 12 may also be provided with a window 18 so that the mail piece formed when form 10 is folded and sealed may be delivered to an address printed on a sheet in the mail piece. An adhesive A is applied to flaps 14 and 16 to provide for sealing of form 10 to form an envelope. Preferably adhesive A is applied to flaps 14 and [16] as spaced stripes or spots so that form 10 may be driven through the apparatus of FIG. 1 by segmented rollers contacting form 10 in the spaces between the stripes or spots of adhesive A to prevent contamination of the rollers when adhesive A is moistened prior to sealing and, also, to reduce curling of the form. Adhesive A is preferably a remoistenable adhesive which is moistened for sealing . . . , but the use of self-adhesive or other suitable methods of sealing is within the contemplation of the subject invention. Flaps 14 and 16 are attached to upper portion 12, as is a rectangular lower portion 20, along preformed fold lines 24, which are preferably pre-creased to facilitate uniform folding [column 5, lines 39 through 60].

Likening Baker's form 10 to the intermediates involved in the method recited in claim 18, the examiner concedes (see page 4 in the answer) that the form 10 does not meet the claim limitation requiring the intermediates to comprise "first and second lines of weakness formed in the sheet adjacent, but spaced from and substantially parallel to, the first and

second side edges, respectively, to define first and second removable side margin portions."

Ogawa discloses a continuous sheet 71 of envelope blanks 72. The continuous sheet includes perforation lines 73 along its longitudinal edges (apparently to facilitate gripping and feeding the sheet), split lines 74 adjacent to and inboard of the perforation lines for separating them from the sheet, and tearable transverse weakening lines 75 at regular intervals along

the sheet delimiting individual envelope blanks. Each blank comprises first and second folding lines 76 and 77 defining a sealing flap 78, a front area 79 and a rear area 80, first adhesive-agent coated zones 81 on the rear area 80 along the inner edge of the perforation split lines 74, a second adhesive-agent coated zone 82 traversing the sealing flap 78, and a perforated line 87 parallel with the inner edge of either of the first adhesive-agent coated zones 81 for opening the sealed envelope.

In proposing to combine Baker and Ogawa to reject claim

18, the examiner concludes that it would have been obvious at the time the invention was made to a person having ordinary skill in the art "to provide first and second lines of weakness formed in the sheet adjacent and spaced from the side edges in the Baker et al. process, as taught by Ogawa, so that the side margins may be removed after processing" (answer, page 4). In response to the appellants' argument (see pages 12 and 13 in the main brief and page 6 in the reply brief) that this modification would destroy the essence of Baker's envelopes by removing the side flaps from the mail pieces, the examiner further explains that

[t]he feed format of Ogawa includes lines of weakness separating the product and feed strips with holes These types of strips would inherently be added by one of ordinary skill in the art if the apparatus of Baker et al. were converted to a continuous feed format such as shown in the Ogawa apparatus [answer, pages 7 and 8].

If the Baker apparatus were converted to a continuous feed format as proposed by the examiner, the resulting method would not meet the limitation in claim 18 requiring the feeding of the intermediates one at a time from the tray through the laser

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printer. Similarly, if first and second lines of weakness and removable first and second side margins having feed perforations of the sort disclosed by Ogawa were added to Baker's envelope forms as suggested by the examiner, the forms would not meet the limitation in claim 18 requiring each of the removable side margin portions to have a pattern of pressure activated cohesive. Hence, even if Baker were modified in view of Ogawa in the manner proposed, the method recited in claim 18 would not result.

Accordingly, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of claim 18, or of claims 23 through 26 which depend therefrom, as being unpatentable over Baker in view of Ogawa.

The decision of the examiner is reversed.

REVERSED

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