

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

This opinion (1) was not written for publication and (2) is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte YOSHIMI KAMIMOTO, TAIJI YAMAMOTO,  
RYUJI HOSAKA, TOSHITAKA NAKAGAWA, and YUTAKA UEHARA

Appeal No. 96-1624  
Application 07/913,615<sup>1</sup>

ON BRIEF

Before CALVERT, FLEMING, and TORCZON, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

BACKGROUND

This is an appeal under 35 U.S.C. § 134 from the final rejection of claims 2-7 and 12. (Paper 17 at 1.) No other claims are pending. (Paper 12 at 1.)

The examiner rejected claims 2-7 and 12 under 35 U.S.C. § 103 over the following reference:

Ohkubo

5,123,063

16 June 1992  
(filed Oct. 10, 1990)

We reverse.

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<sup>1</sup> Attorney docket no. 03327.1540, filed July 18, 1992.

DISCUSSION

The application is entitled "Facsimile System". (Paper 1 at 1.) The system consists of a set of remote document scanners (or "terminals") associated with a main body of a facsimile system. The scanners transmit data to the main body in a manner that permits the main body to distinguish among the scanners and permits remote operation of the facsimile system. (Paper 1 at 4-5.) Claim 12, the sole independent claim, sets forth the subject matter of the invention as follows (Paper 1 at 35-36; Paper 6 (Amdt. A) at 2; Paper 9 (Amdt. B) at 2; and Paper 11 (Amdt. C) at 1) (emphasis added):

12. A facsimile system having a plurality of terminals and a main body, each of said plurality of terminals reading an image and said main body being connected to a communication line and receiving image data from said plurality of terminals, wherein each of said terminals comprises:

means for instructing processing of said read image at said main body;

first storage means for storing an identification code for identifying each of said terminals; and

means for sending to said main body said image data, instruction data instructed by said processing instructing means, and said identification code stored in said first storage means,<sup>2</sup>

and wherein said main body comprises:

means for receiving said data sent by said sending means;

means for detecting said identification code from said data received by said receiving means;

means for processing through the communication line said image data received by said receiving means based on said instruction data received by said receiving means; and

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<sup>2</sup> Sic, ";".

means for storing a result of the processing performed by said processing means together with said identification codes.

Claim 12 is written in means-plus-function format. (Paper 1 at 35.) In particular, Appellants rely on each terminal's "means for instructing processing of the image data at a main body" (Paper 18 (Brief) at 11; cf. claim 12), a means-plus-function limitation, to distinguish Ohkubo. Appellants argue that Ohkubo has "no corresponding structure."

Appellants' terminals instruct processing at the main body by, at a minimum, sending a telephone number to the main body if the image data is to be transmitted instead of simply being copied. (Paper 1 at 12; Fig. 5a.) The structure corresponding to "means for instructing processing of said read image at said main body" includes, at a minimum, an operation panel **34** with a ten-key section and a random-access memory ("RAM") **37**. The scanner operator enters the telephone number using the operation panel **37**. The entered telephone number is stored in RAM **37** until it is sent to the main body. This entered telephone number is distinct from the identification code. (Paper 1 at 12; Fig. 5a.) This distinction is maintained in claim 12 where instruction data and the sending code are separately described. Claim 12 cannot be reasonably construed to include the identification code as part of the instruction data.

By contrast, the keyboard **24** and RAM **23** that Ohkubo discloses are associated with the image processor **20**, not the scanners **13-1** through **13-N**. (4:16-20; Fig. 1.) Indeed, in Ohkubo, control flows exclusively from the image processor out to the scanners (2:22-30), not vice versa. Although Ohkubo discusses "code transmitted from the scanner" (3:40-60), it appears in context that "code" is simply image data in the format used by a particular scanner.

Since Ohkubo does not teach or suggest a limitation in claim 12, we must reverse the rejection of claim 12 as unpatentable over Ohkubo. The rejections of the remaining claims, which depend from claim 12, must likewise be reversed.

DECISION

The rejection of claims 2-7 and 12 under section 103 over  
Ohkubo is

REVERSED

IAN A. CALVERT	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
RICHARD TORCZON	)	
Administrative Patent Judge	)	

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