

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LELAND D. GREEN,
THOMAS A. HANNA and
STEPHEN T. CHAI

Appeal No. 96-3945
Application 08/095,016¹

ON BRIEF

Before THOMAS, MARTIN and LALL, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's
final rejection of claims 1, 21 through 26, 34 and 35.

¹ Application for patent filed July 21, 1993.

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Representative claim 21 is reproduced below:

21. A simulated print making processor, said processor comprising:

means forming a part of said print making processor for receiving a transparent substrate, having a mirror image thereon, from a printer used for creating said mirror image on said transparent substrate;

means in said auxiliary print making processor for moving said transparent substrate and a reflective backing member into superimposed relationship; and

means in said auxiliary print making processor for simultaneously applying heat and pressure to said transparent substrate and said backing member thereby causing them to adhere to each other to form a simulated photographic print.

The following references are relied on by the examiner:

Ambro et al. (Ambro)	4,657,831	Apr. 14, 1987
Kinoshita et al. (Kinoshita)	5,138,392	Aug. 11, 1992

Claims 1, 21 through 26, 34 and 35 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Ambro alone as to claims 1 and 21, with the addition of Kinoshita as to claims 22 through 26, 34 and 35.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and the answer for the respective details thereof.

OPINION

We sustain both rejections essentially for the reasons set forth by the examiner in the answer with the following amplification.

As to the rejection of independent claims 1 and 21 under 35 U.S.C. § 103 over Ambro alone, this reference at column 1, lines 32 through 42 appears to be the basis for and is compatible with the teaching in the paragraph bridging columns 2 and 3 of this reference utilizing prior art electrophotographic color imaging devices suggestive of the claimed xerographic imaging device of claim 1 on appeal. This is so because it produces a transparent thermoplastic overcoat sheet 21 having thereon "color toner images" (Figure 2). They appear to be on the bottom portion of the transparent sheet 21 in the same manner as disclosed by appellants on transparent sheet 25 in Figure 3 of the disclosed invention. Thus, they would have been considered mirror images to the extent claimed. The discussion at column 3 of Ambro from lines 4 through 25 explains the details of the remaining portions of

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claims 1 and 21 on appeal. Essentially, the claimed auxiliary print making device is shown in Figure 2 of Ambro. It should be noted that the receiving sheet 24 in this figure appears to be discussed in the paragraph bridging columns 4 and 5 of Ambro where it is taught to be a reflective substrate of either paper or plastic. The abstract of Ambro embellishes in a simpler manner the critical features recited in these two claims on appeal.

In light of these findings, we do not agree with appellants' assertion that Ambro does not disclose the combination of an imaging device and an auxiliary print making processor. Ambro's color proofing method clearly would have taught to the artisan the claimed simulation of a photographic print to the extent recited in independent claims 1 and 21 on appeal. Thus, it appears as well that the examiner has provided evidence of equivalent structure to that which has been set forth in these claims on appeal. Finally, we note that appellants' arguments as to claim 21 are misplaced since Ambro alone is utilized to reject this claim and Kinoshita's teachings have not been relied upon by the examiner.

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We sustain also the rejection of all dependent claims on appeal under 35 U.S.C. § 103 in light of the additional teachings to Kinoshita. The manual feeding port 41 in Figure 1 of Kinoshita clearly would have indicated to the artisan the type of claimed chute structure set forth in dependent claims 22 and 35 on appeal for manual insertability to provide a more direct input arrangement for the sheet material into the simulated color print structure of Figure 2 of Ambro. Figure 2 of Ambro alone also suggests a manual insertability of a transparent color imaged substrate.

Other than the general showing in Figure 1, appellants' own disclosed invention does not explicitly detail the mechanical interconnectability of the imaging device 18, detailed in Figure 4 of the disclosure, in the manner in which it actually mates with the processor 90 in appellants' disclosed Figure 1. There are clear suggestions to the artisan within the teachings of Ambro that such a combined structure was contemplated but not shown. The mechanics of implementing this would have been clearly obvious to the artisan with the additional teachings provided by Kinoshita's transport arrangements in Figure 1. Obviously, to the

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artisan, the top and bottom roller arrangements 52, 53 as well as the discharge roller assembly 57 would have provided additional teachings of the mechanical means with which to discharge Kinoshita's imaged transparency for insertion into the input of Ambro's color image proofing apparatus generally shown in Figure 2. Thus, we consider the automatic receiving recitation of dependent claim 23 as well as the automatic and manual feeding and receiving arrangement of dependent claims 25 and 34 to have been obvious to the artisan within 35 U.S.C. § 103 upon a due consideration of the collective teachings and suggestions of both references relied upon. Moreover, the recitation in dependent claim 34 of an imaging device merely providing an outlet opening which broadly "cooperates with" the receiving means of the claimed print making processor clearly would have been obvious within Ambro's teachings alone since this broadly recited arrangement even includes an ability of the user/operator to physically transfer the output of the transparency from the trays 61, 62 of Figure 1 of Kinoshita into the input at the right portion of Ambro's Figure 2.

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The inverting feature of claim 24 on appeal is suggested in the art by the return path R2 conveyor and roller arrangement in Figure 1 of Kinoshita. We already noted the top and bottom roller arrangement 52, 53 as well as the discharge roller pair 57 provide the means for achieving the relatively flat orientation recited in dependent claim 26 on appeal. As a whole, appellants' arguments to reversing the rejection of the dependent claims do not take into due consideration all the teachings and suggestions, as well as reasonable inferences the artisan would have properly derived from the combination of teachings and suggestions within 35 U.S.C. § 103.

In conclusion, the evidence provided by the combined teachings of the prior art relied upon clearly would have indicated to the artisan the obviousness of the subject matter of claims 1, 21 through 26, 34 and 35 within 35 U.S.C. § 103. Therefore, the decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

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	JAMES D. THOMAS)	
	Administrative Patent Judge)	
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	JOHN C. MARTIN)	BOARD OF
PATENT	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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