

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(2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LLOYD F. McINTYRE and
ALAN K. HARTFORD

Appeal No. 97-2710
Application 08/402,080¹

ON BRIEF

Before URYNOWICZ, THOMAS, and HAIRSTON, Administrative Patent
Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1

¹ Application for patent filed March 10, 1995.

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through 3.

The disclosed invention relates to a multifunctional document processing system that has a facsimile mode and a computer printer mode.

Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A multifunctional document processing system having a facsimile mode and a computer printer mode, including:

a printer, responsive to signals directed thereto to produce an image on a sheet;

a user interface, allowing the selection of a printer only mode or a printer & facsimile mode;

a facsimile circuit receiving facsimile transmissions and directing signals indicative thereof to the printer, including:

a facsimile modem,

a first controller,

a facsimile job memory, and

an external telephone line connection suitable to receive facsimile transmissions;

a printer circuit receiving signals from an external data source, including

a second controller, and

an external data communication line suitable to receive

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print jobs;

a third controller, responsive to the user interface selection of a printer only mode or a printer & facsimile mode to prevent access to the printer by the facsimile circuit when printer only mode is selected, and allowing first in, first out access to the printer by the facsimile when printer & facsimile mode is selected.

The reference relied on by the examiner is:

"Delrina WinFax LITE User's Guide," Sixth Edition, June 1993, pages 3-12 through 3-15 and 4-1 through 4-5.

Claims 1 through 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over the WinFax User's Guide.

Reference is made to the Office Action (paper number 5), the brief and the answer² for the respective positions of the appellants and the examiner.

OPINION

The obviousness rejection of claims 1 through 3 is reversed.

WinFax gives a Windows user the option of combining the output of several applications (e.g., a piece created in desktop publishing, a word processed letter, an order form)

² The grounds of rejection in the Answer improperly refers to more than one prior Office Action. See Manual of Patent Examining Procedure § 1208(a) (6th ed., July 1998).

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into a single transmitted fax (pages 3-12 and 3-13). WinFax requires a send and receive fax/modem (page 4-1), and newly received faxes are printed immediately upon reception (pages 4-1 and 4-4). The WinFax user can select an appropriate printer on which to print received messages (pages 4-4 and 4-5), and, if desired, the WinFax user may view a display indicating that a message has been received (page 4-4). A WinFax fax may be received while working in other Windows applications (page 4-1). Although the WinFax publication states that the faxes are printed immediately upon receipt, one can infer from the latter statement that faxes may be stored while working in other applications. In any event, WinFax states that it does not consume additional system memory (page 4-1).

We agree with the examiner (paper number 5, page 3) that the "WinFax User's Guide discloses . . . a document processing system for receiving faxes, including the WinFax software, the computer running it, a fax modem, and a printer connected to the computer and responding to signals directed thereto to produce a printed image." We likewise agree with the examiner (paper number 5, pages 4 and 5) that it would have been

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obvious to one of ordinary skill in the art to connect the fax in WinFax to an external telephone line, and to connect the computer and printer connected to WinFax to an external data communications line to receive print jobs. After all, it is well known in the art that an E-mail message sent to the WinFax computer will be printed by the printer. The examiner's conclusion (paper number 5, page 3) that in a certain mode "incoming faxes are necessarily stored in a job memory" is agreed to by appellants (Brief, page 10). We do not, however, agree with any of the examiner's conclusions (paper number 5, page 4) concerning the claimed controllers, particularly the third controller. Windows and WinFax have a controller or controllers, but no evidence in the record supports the examiner's conclusion (paper number 5, pages 3 and 4) that a "third controller" controls WinFax when "the fax modem has no access to the printer." In view of the lack of such evidence, we agree with the appellants (Brief, pages 11 and 12) that the obviousness rejection must be reversed because WinFax neither teaches nor would have suggested the specifically claimed functions performed by the third controller.

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DECISION

The decision of the examiner rejecting claims 1 through 3
under 35 U.S.C. § 103 is reversed.

REVERSED

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JAMES D. THOMAS)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
KENNETH W. HAIRSTON)	
Administrative Patent Judge)	

KWH:svt

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