

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte KEUN-YONG PARK

\_\_\_\_\_  
Appeal No. 1997-3856  
Application No. 08/313,794

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HEARD: February 24, 2000

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Before KRASS, JERRY SMITH, and GROSS, Administrative Patent Judges.

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 8 through 17, which are all of the claims pending in this application.

Appellant's invention relates to a printing apparatus which prints from a leading edge to a bottom edge of a sheet.

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Claim 8 is illustrative of the claimed invention, and it reads as follows:

8. A printing apparatus which prints an image on a sheet by thermally pressing an ink ribbon with a printing head, said printing apparatus comprising:

a motor;

a driving roller driven by said motor;

a driven roller spaced apart from said driving roller by a predetermined distance;

a belt wound around said driving roller and said driven roller;

a head conveyor located above said belt and having a printing head;

means for conveying said head conveyor; and

means for controlling said head conveyor to cause printing from a leading edge of a sheet to a bottom edge of said sheet when said sheet is disposed on said belt.

No prior art references of record are relied upon by the examiner in rejecting the appealed claims.

Claims 8 through 17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Reference is made to the Examiner's Answer (Paper No. 16, mailed August 5, 1997) for the examiner's complete reasoning in support of the rejection, and to appellant's Brief (Paper

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No. 15, filed April 18, 1997), Reply Brief (Paper No. 17, filed September 30, 1997), and Supplemental Reply Brief (Paper No. 22, filed March 10, 1998) for appellant's arguments thereagainst.

#### OPINION

We have carefully considered the claims and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the § 112, second paragraph, rejection of claims 8 through 17.

The examiner states (Answer, page 3) that "Claim 8 is incomplete regarding the limitation 'means for controlling said head conveyor.'" Although the examiner appears to recognize (Answer, page 5) sensors 30, 91, and 91' as providing supporting structure for the means in question, the examiner "submits that it is not the Appellant's intention to include the claimed means for detecting in the recited 'means for controlling said head conveyor...' recited in independent claim 8 as evidenced by the further recitation of said detecting means in dependent claims 15-17." The examiner's position apparently is that the phrase "further comprising

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means for detecting" in dependent claim 15 indicates that sensors are additional to the limitations of independent claim 8 and, therefore, that the controlling means of claim 8 must not refer to the sensors and, consequently, lacks supporting structure in the specification.

Means-plus-function language must be interpreted as limited to the corresponding structure disclosed in the specification. See In re Donaldson Co. Inc., 16 F.3d 1189, 1193, 29 USPQ2d 1845 1848 (Fed. Cir. 1994). The disclosed structure corresponding to the means for controlling the head conveyor in claim 8 is clearly sensors 30, 91, and 91'. The examiner, however, has chosen to ignore the disclosed structure, rejecting all claims under 35 U.S.C. § 112 rather than only the few dependent claims which were perceived to double recite the sensors.

The purpose of the second paragraph of § 112 is to basically insure, with a reasonable degree of particularity, an adequate notification of the metes and bounds of what is being claimed. See In re Hammack, 427 F.2d 1378, 1382, 166 USPQ 204, 208 (CCPA 1970). When viewed in light of this authority, the most reasonable interpretation of claim 8

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applies the disclosed sensors to the claimed controlling means. Such interpretation results in at least the majority of the claims being definite and complete.

To the extent that the examiner considers claims 15 through 17 to be indefinite as double reciting the sensor limitation because of the language of "further comprising means for detecting," again a degree of reasonableness is necessary. When read in light of the specification, claims 15 through 17 clearly further limit the controlling means of claim 8. Accordingly, we will reverse the rejection of claims 8 through 17.

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CONCLUSION

The decision of the examiner rejecting claims 8 through 17 under 35 U.S.C. § 112, second paragraph, is reversed.

REVERSED

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
JERRY SMITH	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
ANITA PELLMAN GROSS	)	
Administrative Patent Judge	)	

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