

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NED J. SEACHMAN

Appeal No. 1998-0620
Application 08/359,089¹

ON BRIEF

Before HAIRSTON, BARRETT, and DIXON, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed December 19, 1994, entitled "Reflector And Light Source Registration Device For A Document Illuminator."

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This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1, 2, 4-7, 9-21, and 23-31.

We reverse.

BACKGROUND

The invention is directed to an illumination registration device which precisely sets and maintains the alignment between an opposing reflector and a light source so as to provide the desired illumination efficiency and profile on a document to be scanned. To set and maintain the proper alignment and mechanical tolerance requirements between reflector and light source, the light source location surface, the opposing reflector location surface, and the opening between these two surfaces are part of a single unitary body as shown in figure 2.

Claim 1 is reproduced below.

1. An illumination registration device, comprising:

a single unitary body having an opposing reflector location surface, a light source location surface, and an opening positioned between said opposing reflector location surface and said light source location surface, said opening enabling light reflected from a document to pass therethrough.

The Examiner relies on the following prior art references:

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Igarashi	4,704,638	November 3, 1987
Honma	5,101,282	March 31, 1992
Costrop et al. (Costrop)	5,194,898	March 16,

1993

Claims 1, 7, and 16-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Honma.

Claims 4-6, 9-13, 19-21, and 23-29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Honma.

Claims 2, 15, and 31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Honma and Costrop.

Claims 14 and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Honma and Igarashi.

We refer to the first Office action (Paper No. 3), the Final Rejection (Paper No. 7) (pages referred to as "FR__"), and the Examiner's Answer (Paper No. 12) (pages referred to as "EA__") for a statement of the Examiner's position and to the Appeal Brief (Paper No. 11) (pages referred to as "Br__") for a statement of Appellant's arguments thereagainst.

OPINION

Anticipation

"Anticipation is established only when a single prior art reference discloses, expressly or under the principles of

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inherency, each and every element of a claimed invention."

RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d
1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Independent claim 1 recites "a single unitary body having an opposing reflector location surface, a light source location surface, and an opening" Independent claim 7 recites "a single unitary illumination registration member including an opposing reflector location surface, a light source location surface, and an opening"

The Examiner finds that figure 2 of Honma discloses a document illumination unit which is a single unitary body having opposing reflector and light source location surfaces (FR2). Appellant argues that Honma is devoid of any reference or suggestion that the illumination unit is formed of a single unitary body and Honma merely discloses a light source and an opposing reflector which are housed in the same illumination unit (Br5). The Examiner responds that "the illumination unit, taken as a whole, is a single unitary body" (EA5).

We agree with Appellant that Honma does not disclose that the opposing reflector location surface, light source location surface, and the opening are part of "a single unitary body"

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(claim 1) or "a single unitary illumination registration member" (claim 7). "Unitary" requires a monolithic, one-piece construction. Cf. In re Morris, 127 F.3d 1048, 1055, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997) (the term "integral" covers more than a unitary construction). There is simply no disclosure in Honma of how the illumination unit 24 is constructed, much less that it is one-piece. It is not even apparent that the illumination unit assembly is "integral" in the sense that the assembly may be installed and removed as a unit; however, even this would not satisfy the limitation of a "unitary" reflector location surface, light source location surface, and opening. Therefore, the finding of anticipation is clearly erroneous. The anticipation rejection of claims 1, 7, and 16-18 is reversed.

Obviousness

Independent claim 21 recites "a single unitary illumination registration member including an opposing reflector location surface, a light source location surface, and an opening . . .," which is the same limitation as found in claim 7. As discussed in connection with the rejection of claim 7, Honma does not disclose a unitary member. The

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Examiner has provided no reasons why it would have been obvious to provide a unitary member since the Examiner considers that such limitation is taught by Honma. Accordingly, we conclude that the Examiner has failed to establish a prima facie case of obviousness with respect to claim 21 or any of dependent claims 4-6, 9-13, 19, 20, or 23-29, which depend directly or indirectly from claims 1, 7, or 21. The rejection of claims 4-6, 9-13, 19-21, and 23-29 is reversed.

The Examiner relies on Costrop to teach a scanning body having a platen assembly location surface or registration member as recited in claims 2, 15, and 31. Appellant discloses that a ride-on system was known (specification, page 6, line 33 to page 7, line 11, incorporating Costrop by reference). However, Costrop does not cure the deficiency of Honma as to the "unitary illumination registration member" in independent claims 7 and 21. Therefore, the rejection of claims 2, 15, and 31 is reversed.

The Examiner relies on Igarashi to teach a lamp locating member registered on the light source location surface as recited in claims 14 and 30. However, Igarashi does not cure

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the deficiency of Honma as to the "unitary illumination
registration member" in independent claims 7 and 21.

Therefore, the rejection of claims 14 and 30 is reversed.

CONCLUSION

The rejections of claims 1, 2, 4-7, 9-21, and 23-31 are
reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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)	
JOSEPH L. DIXON)	
Administrative Patent Judge)	

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Ronald Zibelli
XEROX CORPORATION
Xerox Square 020
Rochester, NY 14644