

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 47

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL DELABASTITA and JOHAN VAN HUNSEL

Appeal No. 2001-0945
Application No. 08/908,129

ON BRIEF

Before CAROFF, DELMENDO, and PAWLIKOWSKI, Administrative Patent Judges.

CAROFF, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 4-8 and 10-14. The examiner's answer indicates that claims 3 and 7-9 are objected to as being

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This appeal is related to Appeal No. 2002-1262 involving copending application 08/782,866. We also note that a terminal disclaimer (Paper No. 29) has been filed in the instant application.

The claims on appeal are directed to a method for making a lithographic printing plate where a frequency modulation screening technique is used to obtain data from a continuous tone original. The screened data is, in turn, used to image-wise expose a lithographic printing plate precursor having a flexible support.

The appellants stipulate on page 3 of their brief that all of the appealed claims stand or fall together. Claim 12, the broadest of 4 independent claims, is illustrative of the subject matter encompassed by appellants' claims, and reads as follows:

12. A method for making a lithographic printing plate from an original containing continuous tones comprising the steps of:

- screening said original using a frequency modulation screening to obtain screened data; and

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Prior art references relied upon by the examiner on appeal
are:

Peterson	4,020,762	May 3, 1977
Saikawa et al. (Saikawa)	4,501,811	Feb. 26, 1985
Monbaliu et al. (Monbaliu)	5,283,156	Feb. 1, 1994

Stoffel et al. (Stoffel), "A Survey of Electronic Techniques for Pictorial Image Reproduction," IEEE Trans. On Comm., Vol. COM-29(12), pp. 1898-1925 (Dec. 1981).

All of the appealed claims stand rejected under 35 U.S.C. § 103 for obviousness. Claims 1, 4, 6 and 10-14 stand rejected in view of either Saikawa or Monbaliu, with each taken in combination with Stoffel. Claims 1, 4, 5 and 10-14 stand rejected in view of Peterson in combination with Stoffel.

We have carefully considered the entire record on appeal in light of the opposing positions taken by the appellants and the examiner. Having done so, we conclude that the examiner has established a sound prima facie case of obviousness with respect to all of the rejected claims, and that the arguments relied upon by the appellants are insufficient to overcome the evidence of obviousness relied upon by the examiner. Accordingly, we shall

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that position as our own. Indeed, the examiner's answer includes an exceptionally thorough and cogent analysis and treatment of the issues before us. For that reason, we offer only a few additional comments for emphasis.

Initially, we note that appellants stipulate on page 12 of their brief, and on page 5 of their specification, that "Error Diffusion" techniques are a well known form of frequency modulation screening. As noted by the examiner, Stoffel (pp. 1901-07; particularly page 1907) quite clearly discloses that error diffusion techniques may be used for continuous tone pictorial reproduction. In the same vein, we refer to Table I on page 1909 of Stoffel.

In our opinion, Stoffel also makes it abundantly clear that the techniques and algorithms discussed in the article, such as "error diffusion," are generally applicable to lithography as well as other binary output/printing systems; lithography being specifically mentioned on pages 1898 and 1899. Appellants' arguments to the contrary are unpersuasive since argument by

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support of Peterson falls outside the definition of a "flexible support" as set forth in their specification. We take note of the fact that aluminum foil is generally very thin, thus expected to be flexible. The definitions of a flexible support found in appellants' specification do not exclude flexible metal supports; the mention of "e.g.[,] paper or organic resin supports" (emphasis added) is considered to be merely exemplary.

For the foregoing reasons, and for the reasons set forth in the examiner's answer, 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

MARC L. CAROFF)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ROMULO H. DELMENDO)	APPEALS AND

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