Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte HERMANN BEISEL and RUDI JUNGHANS

Appeal No. 2001-1214
Application No. 09/213,726

ON BRIEF

Before STAAB, NASE, and BAHR, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection (Paper No. 10, mailed April 13, 2000) of claims 17 to 19 and 22 to 28.[1] Claims 1 to 16 have been withdrawn from consideration. Claims 20 and 21 have been canceled.

We REVERSE.

[1] Claim 17 was amended subsequent to the final rejection.

BACKGROUND

The appellants' invention relates to a device for operating a rotary printing press which includes an inking unit having at least one ink distributor roller that oscillates axially with a variable stroke amplitude (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Hummel et al. (Hummel)	4,513,663	Apr. 30, 1985
Travnicek et al. (Travnicek)	GB 2 180 502 A	Apr. 1, 1987

The rejections before us in this appeal as set forth in the final rejection are:

(1) Claims 17 to 19, 22 and 25 to 28 under 35 U.S.C. § 102(b) as being anticipated by Hummel.

(2) Claims 17 to 19, 22 to 24 and 28 under 35 U.S.C. § 102(b) as being anticipated by Travnicek.

(3) Claims 25 to 27 under 35 U.S.C. § 103 as being unpatentable over Travnicek in view of Hummel.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the final rejection and the answer (Paper No. 15, mailed November 15, 2000) for the examiner's complete reasoning in support of the rejections, and to the brief (Paper No. 14, filed October 19, 2000) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

The anticipation rejection based on Hummel

We will not sustain the rejection of claims 17 to 19, 22 and 25 to 28 under 35 U.S.C. § 102(b) as being anticipated by Hummel.

To support a rejection of a claim under 35 U.S.C. § 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713

F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Claim 17, the only independent claim on appeal, reads as follows:

> A device for varying the stroke amplitude of at least one axially oscillating distributor roller in an application unit of a rotary printing press, wherein a distributor roller is drivable by a distributor stroke drive via a distributor stroke transmission including a coulisse having a groove and being adjustable from a first position to a second position, and a sliding block movable in the groove, comprising:
>
> a first transmission member carrying the coulisse, and a second transmission member carrying the sliding block, the distributor stroke transmission being formed of said first and said second transmission members, said coulisse being disposed adjustably relative to said first transmission member, and both said first and said second transmission, members being driven by the distributor stroke drive; and
>
> an actuator for adjusting said coulisse, said actuator being carried by at least one of said first and said second transmission members.

Hummel's invention relates to a mechanism for varying the axial travel of a distributing roller or the like in a printing machine and, more particularly, is directed to a mechanism which permits easy adjustment of the amount of axial travel of a distributing roller while the press is operating. A printing press 10 embodying Hummel's invention is shown in Figures 1-4. The press 10 comprises a frame 11 which includes a side column or retaining plate 12 secured thereto by means of threaded bolts 14. Distributing rollers 15a-d are carried by the frame 11 by means of bearings 16, which permit both rotation and axial reciprocation of the distributing rollers.

For axially reciprocating the distributing rollers 15a-d, a press drive 18 rotates a shaft 19 supported by a bushing 20 externally-mounted on the frame. A link 21 is eccentrically mounted to the end of the drive shaft 19 by a bolt 22, washers 24 and bushing 25 so that the link 21 is pivotable with respect to the drive shaft 19. A rocker member 26 in turn is pivotally coupled to the end of the link 21, being mounted on a pin 31 carried on the end of the link 21 with bushings 32 interposed therebetween to facilitate relative movement. The rocker member 26 also is mounted for relative pivotal movement with respect to one arm 28a of a two-armed lever 28, being mounted on a first pivot or pin 29 fixedly held in the lever arm 28a with bushings 30 interposed therebetween. A lever 34 is pivotally mounted in the side column 12 by means of a second pivot 35 and bearings 36. To oscillate the lever 34 about the axis of the second pivot 35, the lever 34 has a sled or block 38 which is captively held in an elongated slot 39 in the rocker 26. Hence, as the rocker 26 pivots about the axis of the first pivot 29 in response to the oscillation of the link 21 effected by rotation of the shaft 19, the lever 34 will oscillate about the second pivot 35 with the block 38 sliding back and forth in the slot 39. The oscillating lever 34 is operatively connected to the rollers 15a-d such that the rollers are axially reciprocated as a result of oscillating movement of the lever 34.

In accordance with an important aspect of Hummel's invention, means are provided for selectively adjusting the magnitude of the axial reciprocation of the

distributing rollers during operation of the press. More particularly, means are provided for selectively changing the location of the first pivot 29, and thereby, the manner in which the rocker member 26 acts on the lever 34 in response to driving movement of the link 21. As best seen from viewing Figures 1 and 2, the amplitude of the reciprocating movement of the rocker 26 depends upon the location of the rocker pivot 29. Thus, the magnitude of the oscillations of the lever 34 can be varied by adjusting the location of the rocker pivot 29. To this end, the two-armed lever 28 is rotatably mounted on a support shaft 55. To rotate the lever 28 about the shaft 55, a threaded spindle 58 is captively mounted on the frame 11 by means of a bracket 59 secured to the frame 11 by bolts 60. The spindle 58 is rotatably maintained in the bracket 59 by means of bushings 61 and a snap ring 62. A traveling nut 64 is threadably received on the spindle 58 so as to be movable along the length of the spindle 58 in response to the rotation thereof. A threaded stud 65 extends from the nut 64 through the arm 28b of the lever 28 and is secured thereto by a nut 66. Thus, as the traveling nut 64 moves along the length of the threaded spindle 58 in response to rotation of the spindle, the lever arm 28b, and thus the lever 28, will rotate about the axis of the shaft 55. Consequently, the arm 28a of the lever 28 will rotate about the axis of the support shaft 55 to adjust the location of the rocker pivot 29. To facilitate the manual rotation of the threaded spindle 58, a knob 68 is secured to the spindle 58 externally of the press frame. The knob 68 may have graduations thereon so that the press operator can

adjust the location of the rocker pivot 29, and thus the magnitude of axial reciprocation of the distributor rollers 15a-d, in accordance with the operator's experience.

Claim 17 is not anticipated by Hummel for the reasons set forth by the appellants in the brief (pp. 22-23). In the rejection of claim 17, the examiner determined that the claimed first transmission member was readable on[2] lever 28 of Hummel. We do not agree. Lever 28 of Hummel is not a transmission member as set forth in claim 17 since it is not in the distributor stroke transmission which transmits drive from press drive 18 to the distributing rollers 15a-d. Lever 28 of Hummel is part of the adjustment mechanism that sets the position of the first pivot 29 and thus the magnitude of the axial reciprocation of the distributing rollers during operation of the press. While the claimed first transmission member may be readable on Hummel's link 21, the claimed actuator for adjusting the coulisse being carried by at least one of the first and said second transmission members is not readable on the structure taught by Hummel.

Accordingly, the decision of the examiner to reject claim 17, and claims 18, 19, 22 and 25 to 28 under 35 U.S.C. § 102(b) as being anticipated by Hummel is reversed.

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[2] The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d at 772, 218 USPQ at 789, it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it."

The anticipation rejection based on Travnicek

We will not sustain the rejection of claims 17 to 19, 22 to 24 and 28 under 35 U.S.C. § 102(b) as being anticipated by Travnicek.

Travnicek discloses a device for the axial reciprocation of ink distributing rollers of a printing machine. As shown in Figure 1, the amplitude of the axial reciprocation of ink vibrator rollers 1 may be adjusted while the press is in operation. A control member 11 is pivoted at 25 and is provided with an arcuate slot 12 along which a roller 17 connected to the end of a connecting rod 7 is constrained to slide when driven by a crank 20. A second connecting rod 6 acts between the roller 17 and a known type of rocking arrangement 1-5. The slot 12 is such that the control plate may be rotated so as to place the center of curvature of the slot coincident with rocking axis 26, under which situation no rocking can occur. As the control member 11 is rotated by gears 14, 16 the rocking amplitude increases.

Claim 17 is not anticipated by Travnicek for the reasons set forth by the appellants in the brief (pp. 23-24). In the rejection of claim 17, the examiner never specifically set forth how all the limitations of claim 17 were readable on Travnicek. While the claimed first and second transmission members may be readable on Travnicek's connecting rods 7 and 6, respectively, the claimed actuator for adjusting the

coulisse[3] being carried by at least one of the first and said second transmission members is not readable on the structure taught by Travnicek.

Accordingly, the decision of the examiner to reject claim 17, and claims 18, 19, 22 to 24 and 28 under 35 U.S.C. § 102(b) as being anticipated by Travnicek is reversed.

The obviousness rejection

We will not sustain the rejection of dependent claims 25 to 27 under 35 U.S.C. § 103 as being unpatentable over Travnicek in view of Hummel for the reasons set forth above in our analysis of the rejection of parent claim 17 based on Travnicek since the examiner has not set forth any reasoning as to why the limitations of claim 17 not taught by Travnicek would have been obvious at the time the invention was made to a person of ordinary skill in the art.

[3] The examiner appears (answer, p. 6) to have determined that the claimed coulisse was readable on Travnicek's control member 11, however, this is incorrect since the control member 11 is not a part of the distributor stroke transmission which transmits drive from the crank 20 to the distributing rollers 1.

CONCLUSION

To summarize, the decision of the examiner to reject claims 17 to 19, 22 and 25 to 28 under 35 U.S.C. § 102(b) as being anticipated by Hummel is reversed; the decision of the examiner to reject claims 17 to 19, 22 to 24 and 28 under 35 U.S.C. § 102(b) as being anticipated by Travnicek is reversed; and the decision of the examiner to reject claims 25 to 27 under 35 U.S.C. § 103 as being unpatentable over Travnicek in view of Hummel is reversed.

REVERSED

LAWRENCE J. STAAB Administrative Patent Judge	)
JEFFREY V. NASE Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
JENNIFER D. BAHR Administrative Patent Judge	)

LERNER AND GREENBERG
2200 HOLLYWOOD BOULEVARD
HOLLYWOOD, FL 33020

JVN/jg