

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RUDI JUNGHANS

Appeal No. 2003-1147
Application 09/598,580

ON BRIEF

Before PAK, JEFFREY T. SMITH, and POTEATE, Administrative Patent Judges.

POTEATE, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the final rejection of claims 1-3 and 11-14. Claims 4-10 are also pending in the application but have been withdrawn from consideration as directed to a non-elected invention. See Appeal Brief, Paper No. 13, received October 11, 2002, page 2; Examiner's Answer, Paper No. 14, mailed December 24, 2002, page 2, paragraph (3).

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Claims 1 and 11 are representative of the subject matter on appeal and are produced below:

1. A method of controlling the supply of ink in a printing machine wherein the ink is differently guided zonally on an ink-fountain roller transversely to the printing direction, and is transferred by a vibrator roller to a distributor roller, which comprises metering the ink zonally for counteracting ink transfer disturbances caused by a stroke movement of the distributor roller, so as to minimize the disturbances automatically to at least an effective extent.

11. A method of controlling the supply of ink in a printing machine, which comprises:

metering zonally differentiated ink on an ink-fountain roller transversely to a printing direction;

transferring the ink by a vibrator roller to a distributor roller; and

performing the step of zonally metering the ink to counteract ink transfer disturbances caused by a stroke movement of the distributor roller.

The reference relied upon by the examiner is:

Thünker et al. (Thünker) 5,701,817 Dec. 30, 1997

GROUND OF REJECTION

Claims 1-3 and 11-14 stand rejected under 35 U.S.C. § 102(b) as anticipated by Thünker.

We affirm.

DISCUSSION

The invention relates to a method of controlling the supply of ink in a printing machine. Appeal Brief, page 2. In particular, the claimed method requires that ink is metered zonally for counteracting ink transfer disturbances caused by a stroke movement of a distributor roller to thereby minimize the disturbances automatically. Id., page 22.

Appellant argues that Thünker cannot anticipate the present invention because, "[t]he causality or dependency (action, reaction) is reversed in Thünker et al. as compared to the invention of the instant application." Reply Brief, Paper No. 15, received March 4, 2003, page 2. In particular, appellant argues that in Thünker et al., adjustment of the lateral stroke of the distributor roller is dependent on the ink zone metering arrangement. Id. In the present invention, adjustment of ink metering is dependent on the stroke movement of the distributor roller in order to counteract ink transfer disturbances. Id.

We are unpersuaded by appellant's arguments. Rather, we are in agreement with the examiner that "the broadly recited 'metering ink zonally for counteracting ink transfer disturbances caused by a stroke movement of the distributor roller' in claim 1

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and 'performing the step of zonally metering the ink to counteract ink transfer distributor [sic, disturbances] caused by a stroke movement of a distributor roller' in claim 11 are met by the teachings of Thünker et al" (Examiner's Answer, page 4). See Panduit Corp. v. Dennison Mfg Co., 810 F.2d 1561, 1567-68, 1 USPQ2d 1593, 1597 (Fed. Cir.), cert. denied, 41 U.S. 1052 (1987) (In making a patentability determination, analysis must begin with a question, "*What is the invention claimed?*" since "[c]laim interpretation . . . will normally control the remainder of the decisional process.")

Thünker teaches a method wherein a first ink profile is set at the adjustable ink zone metering arrangement and, thereafter, the first ink zone profile is produced by initiating operation of the printing apparatus, including the distributor roller. See Thünker, column 4, lines 32-36. After the first print job is printed, a second print job is effected by adjusting the adjustable ink zone metering arrangement and varying the determinable lateral stroke of the distributor roller in relation to adjustment of the ink zone metering arrangement. Id. at lines 45-50. Thus, contrary to appellant's contention, the lateral stroke of the distributor roller in Thünker is not adjusted "in dependence" on the ink zone metering arrangement,

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rather, it is adjusted "in relation to" adjustment of the adjustable ink zone metering arrangement.

The claims, as drafted, do not limit the claimed method to one in which the ink is adjusted "in dependence" on the stroke movement of the distributor roller. Rather, the claims merely require that the claimed zonal metering be capable of counteracting ink transfer disturbances caused by the stroke movement of the distributor roller. We are in agreement with the examiner that these broad recitations are anticipated by Thünker's disclosure of varying lateral stroke of the distributor roller "in relation to" adjustment of ink zone metering arrangement when changing from a first to a second print job. See Examiner's Answer, page 4.

Accordingly, the rejection is affirmed.

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TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

CHUNG K. PAK)	
Administrative Patent Judge)	
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JEFFREY T. SMITH)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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LINDA R. POTEATE)	
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LRP:svt

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