Ex parte Nishimori

96-1620

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 42

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte KADOTARO NISHIMORI, MASAZUMI ITO and KIMIHIKO HIGASHIO

Appeal No. 95-1620
Application 07/819,596[1]

HEARD: December 4, 1995

Before HAIRSTON, JERRY SMITH, and BARRETT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

[1] Application for patent filed January 9, 1992. According to applicants, the application is a continuation of Application 07/486,313, filed February 27, 1990.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 3, 4, 6 through 10, 12 and 13. In an Amendment After Final (paper number 27), claim 4 was amended.

The disclosed invention relates to a copying apparatus that includes a sheet feeder for feeding original sheets onto a platen, and a copy handler in the form of a finisher/stapler unit. The sheet feeder is operated in either a two-original feeding mode where two originals are placed side-by-side onto the platen or a one-original feeding mode where a single original is placed on the platen. The finisher/stapler unit is designed to staple latitudinally fed copies, and is not designed to properly staple longitudinally fed copies when the copying apparatus is in a two-original mode. In order to avoid improperly stapled copies, a controller in the copying apparatus always assigns priority to the two-original feeding mode over the operation of the finisher/stapler unit. In other words, even if the finisher/stapler mode is selected before the two-original feeding mode is selected, the controller will prevent the

finisher/stapler unit from stapling the copies that are produced in the two-original feeding mode.

Claim 3 is illustrative of the claimed invention, and it read as follows:

3. A copying apparatus comprising:

means for feeding originals onto a platen glass, which is operated either in a two-original feeding mode where two originals are placed in a particular position on the platen glass side-by-side or in a one-original feeding mode where a single original is placed in a particular position on the platen glass;

means for copying the images of the originals fed onto the platen glass on copy sheets;

means for handling copy sheets on which images were copied by the copying means, which is operated either in a binding mode where copy sheets are collected and bound or in a non-binding mode where copy sheets are stacked without being bound;

first mode selecting means for selecting an operation mode of the original feeding means;

second mode selecting means for selecting an operation mode of the sheet handling means; and

control means for controlling the second mode selecting means in accordance with the original feeding mode selected by the first mode selecting means.

The references relied on by the examiner are:

Kinoshita et al. (Kinoshita)	4,946,153	Aug. 7, 1990 (filed July 8, 1988)
Matsuo et al. (Matsuo)	5,006,904	Apr. 9, 1991 (filed Apr. 29, 1988)

Claims 3, 4, 6 through 10, 12 and 13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Matsuo in view of Kinoshita.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the 35 U.S.C. § 103 rejection of claims 3, 4, 9, 10, 12 and 13, and reverse the 35 U.S.C. § 103 rejection of claims 6 through 8.

The reference to Matsuo discloses a sheet feeder for a copying apparatus that operates in a first mode to place a single original onto a platen, and in a second mode (i.e., two-up) to serially place two originals onto the platen in the document feeding direction. In the second sheet feeding mode, the originals are fed onto the platen with their longer sides

parallel to the sheet feeding direction. As the Abstract indicates, copying and sheet feeding are inhibited in the second mode when the sheet feeder does not contain sheets that are oriented such that the longer sides of the sheets are parallel to the sheet feeding direction. Stated differently, the original sheets must be fed in a longitudinal direction onto the platen for proper copying in the second or two-up mode. Originals that are fed in a latitudinal direction onto the platen will not be correctly copied in a two-up mode.

The reference to Kinoshita discloses a copy handler in the form of a finisher/stapler unit. With the exception of A5 and B6 copy paper, the finisher/stapler unit is incapable of stapling copy sheets that are fed longitudinally into the finisher/stapler unit. In Figure 15, steps S11 through S13 illustrate the disabling of the stapler unit when A4 copy paper is longitudinally fed into the stapler unit, steps S15 through S17 illustrate the same for longitudinally fed B5 copy paper, steps S19 through S21 illustrate the same for longitudinally fed B4 copy paper, and steps S22 through S24 illustrate the same for

longitudinally fed A3 copy paper. Steps S25 and S26 indicate that longitudinally fed A5 and B6 copy paper, respectively, can be stapled by the stapler unit. Although longitudinally fed A4 copy paper (step S11) leads to disablement of the finisher/stapler unit, step S14 shows that the finisher/stapler unit can staple latitudinally fed A4 copy paper. The same holds true for latitudinally fed B5 copy paper.

The examiner argues (Answer, page 4) that:

> MATSUO ET AL. and KINOSHITA ET AL. are both from the same field of endeavor, the purpose disclosed by KINOSHITA ET AL. would have been recognized in the pertinent art of MATSUO ET AL.
>
> It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the two-up copying machine disclosed in MATSUO ET AL. with a stapling function as the one disclosed in KINOSHITA ET AL. for the purpose of preventing the stapling of non-compatible longitudinally-fed paper sheets.

Appellants argue (Brief, pages 10 and 11) that:

> In the operation of the Kinoshita et al device, the control of the finisher depends upon the selected orientation and size of the copy sheet, rather than the original feeding mode. Even if the teachings of this patent are applied to the copier of the Matsuo et al patent, there is no suggestion in either reference that the proper mode of operation of the finisher should be

> determined according to the selected mode of the original feeding device. As noted above, in the operation of the Matsuo et al copier, if A5 or B6 longitudinally oriented copy paper is selected during the two-original copying mode, the finishing device of the Kinoshita et al patent would allow this paper to be stapled. In the operation of the present invention, however, the selection of the two-original copying mode would automatically disable the stapler, regardless of the size of copy paper selected. In this regard, note particularly claims 9 and 10 [emphasis in original].

Appellants also argue (Brief, pages 11 and 12) that:

> The Matsuo et al and Kinoshita et al patents, whether considered individually or in combination, do not suggest that there should be a relationship between the feeding of the originals and the stapling of the copy sheets. Thus, they cannot be deemed to disclose the concept of controlling the mode of operation of a finisher in accordance with the selected mode of operation of the original feeding device, as recited in claims 3, 4, 8-10, 12 and 13. Similarly, they do not render obvious the concept of indicating that a selected mode of operation of the sheet handling device is incompatible with the selected mode of operation of the original feeding device, for example as recited in claims 6, 7 and 8 [emphasis in original].

We agree with the examiner that the Matsuo and the Kinashita copying devices are from the same field of endeavor. It is likewise well known in the copier art that peripheral devices (e.g., stapler units) are attached to copiers. Any such peripheral device should, however, be compatible with the

attached copier. Figure 10 in Kinoshita shows that the finisher/stapler unit 50 is used in conjunction with and is compatible with an automatic document feeder (ADF) 30 on a copier 1. Since Kinoshita shows two copy paper feeder cassettes 10 and 11 in Figure 10, and describes throughout the reference the use of different sizes of copy paper, we are of the opinion that the automatic document feeder 30 is designed to feed originals of different sizes onto the platen. The control circuit (Figure 13) in Kinoshita would recognize the different sizes of originals, and control the finisher/stapler unit 50 in accordance with the size of the original fed onto the platen. As Kinoshita indicates (column 12, lines 15 through 25), "the timing or the like of the stapling operation is automatically designated by communication between the ADF 30 and a controller on the copying machine 1." If originals of unusually large sizes and orientation are fed onto the platen, it follows that the control circuit would disable the finisher/stapler unit 50 because the copy sheets cannot be properly stapled by the finisher/stapler unit. Thus, we are of the opinion that it would have been obvious to one of

ordinary skill in the art to use a stapler unit as taught by Kinoshita in lieu of a sorter as a finisher unit in Matsuo because of the interchangeable nature of peripheral finisher units in the copier art, and because the finisher/stapler unit taught by Kinoshita would prevent the stapling of copy sheets in the Matsuo copying machine that are not compatible with the stapler unit. The orientation of A5 and B6 originals would not matter because A5 and B6 copy sheets can be oriented in either direction in the finisher/stapler unit.

Appellants' arguments to the contrary notwithstanding, the applied references would have suggested that "there should be a relationship between the feeding of the originals and the stapling of the copy sheets." In short, they are "deemed to disclose the concept of controlling the mode of operation of a finisher in accordance with the selected mode of operation of the original feeding device" [emphasis in original] as recited in claims 3 and 12. The 35 U.S.C. § 103 rejection of claims 3 and 12 is sustained. The 35 U.S.C. § 103 rejection of claims 4 and 13 is sustained because appellants have not presented

for the finisher unit 50, the finishing mode is automatically changed over to the non-staple mode if the size of the paper for copying is other than aforesaid sizes." Inasmuch as we have determined that the size of the copy paper tracks the size of the original, we will sustain the 35 U.S.C. § 103 rejection of claims 9 and 10.

DECISION

The decision of the examiner rejecting claims 3, 4, 6 through 10, 12 and 13 under 35 U.S.C. § 103 is sustained as to claims 3, 4, 9, 10, 12 and 13, and is reversed as to claims 6 through 8. Accordingly, the decision of the examiner is affirmed-in-part.

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

AFFIRMED-IN-PART

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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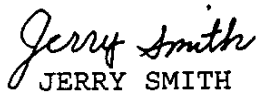
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