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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte EMANUEL N. GAVRILOS

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Appeal No. 95-4023
Application 08/062,033[1]

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HEARD: October 15, 1998

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Before JERRY SMITH, BARRETT and FLEMING, ***Administrative Patent Judges***.

FLEMING, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claim 17. Claims 1 through 16 and 18 through 21 have been allowed.

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[1]Application for patent filed May 17, 1993. According to appellant, this application is a continuation of application 07/608,641, filed November 2, 1990.

The claimed invention relates to a computerized apparatus for tracking documents that are being sorted by an automated mail sorting machine.

Claim 17 is reproduced as follows:

> 17. A document surveillance system for tracking a document traveling along a transport path in a document sorting system comprising:
>
> a plurality of sensors, positioned in sequence along the transport path, for detecting an edge of the document;
>
> optical character reading mechanism, positioned along the transport path, for reading characters located on the document;
>
> means, operably coupled to the plurality of sensors, for determining document status of the document as it travels along the transport path wherein the means for determining document status further comprises means for passing edge detection information between the plurality of sensors, said edge detection information comprising a unique document identifier and a representation of a position of a transport mechanism associated with said transport path; and,
>
> a document labeling mechanism for labeling the document in response to output from the optical character reader.

The reference relied on by the Examiner is as follows:

Cloud et al. (Cloud) 4,503,976 Mar. 12, 1985

Claim 17 stands rejected under 35 U.S.C. § 102 as being anticipated by Cloud.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the briefs[2] and the answer for the details thereof.

OPINION

After a careful review of the evidence before us, we do not agree with the Examiner that claim 17 is anticipated by the applied reference.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. ***See In re King***, 801 F.2d 1324, 1326, 231 USPQ 136,
138 (Fed. Cir. 1986) and ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co***., 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

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[2]Appellant filed an appeal brief on January 19, 1995. We will refer to this appeal brief as simply the brief. Appellant filed a reply appeal brief on June 8, 1995. We will refer to this reply appeal brief as the reply brief. The Examiner stated in the Examiner's letter mailed October 15, 1997 that the reply brief has been entered and considered but no further response by the Examiner is deemed necessary.

Appellant's claim 17 recites:

> ***means***, operably coupled to the plurality of sensors, ***for determining document status*** of the document as it travels along the transport path wherein the ***means for determining document status*** further comprises ***means for passing edge detection information*** between the plurality of sensors, ***said edge detection information comprising a unique document identifier and a representation of a position of a transport mechanism associated with said transport path***. [Emphasis added.]

Appellant argues on pages 3 through 5 of the brief that Cloud fails to teach the above Appellant's claimed limitations as required under 35 U.S.C. § 102. In particular, Appellant argues that Cloud does not disclose a means for determining document status comprising a means for passing edge detection information with the edge detection information comprising a unique document identifier and a representation of a position of a position of a transport mechanism associated with the transport path.

The Examiner points out on page 3 of the answer that Cloud teaches in column 3, lines 34-42, and column 4, lines 15-21, that information is passed and this information includes a sort code. The Examiner argues that the Cloud sort code is a unique document identifier in that the sort code is

obtained from the information read from the document and is a representation of a position of a transport mechanism associated with the transport path in that the sort code is passed only after the document's edge has been detected by the sensor circuits. The Examiner further argues on page 5 of the answer that the Appellant's position that this

identifier is to be unique for each document is not supported by the language of the claim.

On page 2 of the reply brief, Appellant in response argues that the claim language, "unique document identifier" requires an identifier that is unique for each document and not something which is unique in some respects, relates to a document in other respects and serves some identification function. Appellant further argues that while the Cloud sort code may be a unique bin identifier, the sort code is not a unique document identifier as required by Appellant's claim 17.

Upon a careful review of Cloud, we fail to find that Cloud teaches

> means for passing edge detection information between the plurality of sensors, said edge detection informa-tion comprising a unique document identifier and a representation of a position of a transport mechanism associated with said transport path.

as recited in Appellant's claim 17. Upon reviewing the above claim language, we note that the claim is directed to tracking a document. Furthermore, the claim language requires the edge detection information to comprise a unique document identifier. Therefore, we find that Appellant's claim 17 requires an identi-fier that is unique for each document.

In column 2, lines 51-64, Cloud teaches that Figure 1 teaches a mail sorting machine having a path 10 along which envelopes that are to be sorted are serially transported. Cloud further teaches that the envelopes are fed one at a time between a drive roller 12 and an opposing pinch roller 14 which feed the envelopes onto a conveyor belt 16. In column 2, line 54, through column 3, line 13, Cloud teaches that at the downstream end of the conveyor belt 16, a plurality of diverter mechanisms 24, 26 and 28 are positioned in series to allow the envelopes to divert off into a sort bin.

In column 3, lines 20-42, Cloud teaches that reader 36 is

positioned to read the zip code of the envelope and send this information to a computer 38. The computer 38 converts the read zip code into a coded designation signal. Each designation signal is a binary code number which addresses one of the gates (24a, 24b, 26a, 26b, 28a and 28b) of the diverters (24, 26 and 28). In column 3, lines 43-49, Cloud teaches that this designation signal is supplied to an envelope tracking and control system. In column 4, lines 38-47, Cloud teaches that the envelopes tracking and control system sends a control signal to a solenoid that causes the addressed gate to deflect the envelope

in the designation bin corresponding to the envelope's zip code. Cloud further teaches in column 8, line 30, through column 10, line 6, the apparatus which routes the envelopes into the appropriate sorting bin based upon a coincidence between a incremented signal and a designation signal having a binary code number which is the address assigned to the gate. The incremen-ted signal is based upon the envelope passing each of the photocells pairs 42, 44 and 46.

Thus, Cloud does not assign each envelope a unique

identifier nor does Cloud pass this unique identifier between the plurality of sensors. Cloud tracks each envelopes based upon a sequential detection of light being interrupted by the photo-cells. Furthermore, Cloud does not pass information that represents a position of a transport mechanism associated with the transport path between the plurality of sensors. Cloud assumes that the document that just passed the first photocell is the same document that is next detected by the second photocell. Similarly, Cloud assumes that the document that just passed the second photocell is the same document that is next detected by the third photocell. In other words, Cloud relies on the order of the documents as they are fed into the path 10 to

identify the document. Because of the reliance of the order of the document, the Cloud system does not need to uniquely identify the document or track the position of the transport mechanism.

Therefore, we find that Cloud fails to teach all of the limitations of claim 17, and thereby the claim is not anticipated. In view of the foregoing, the decision of the

Examiner rejecting claim 17 is reversed.

REVERSED

JERRY SMITH	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
LEE E. BARRETT	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
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