

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(2) is not binding precedent of the Board.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. 10

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM H. WAYMAN and RASIN MOSER

Appeal No. 95-5098
Application 08/169,836¹

ON BRIEF

Before THOMAS, JERRY SMITH and CARMICHAEL, ***Administrative Patent Judges.***

CARMICHAEL, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is an appeal from the final rejection of claims 21, 22, 25, and 26. The other claims remaining in the application are claims 17, 20, 23, 24, 27, and 28, which have been indicated as allowable.

Claim 21 reads as follows:

¹ Application for patent filed December 16, 1993.

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21. A heat and pressure fuser for fusing toner images onto substrates, said fuser comprising:

an electrically resistive fusing belt having first and second segments;

means for applying a voltage to said first segment for elevating the temperature thereof and means for selectively applying one of a plurality of voltages to said second segment for elevating the temperature thereof for effecting images having different degrees of gloss;

a plurality of electrically conductive rollers for supporting said belt for movement in an endless path; and

a pressure roller cooperating with one of said plurality of rollers to form an extended fusing zone therebetween.

The Examiner's Answer cites the following prior art:

Kogure et al. (Kogure)	4,813,372	Mar. 21, 1989
Ohashi et al. (Ohashi)	4,973,824	Nov. 27, 1990

OPINION

The claims stand rejected under 35 U.S.C. § 103 as unpatentable over Ohashi in view of Kogure. The examiner correctly states that Kogure discloses applying electrical power to a heat fusing roller to generate heat. Examiner's Answer at 4-5. However, as appellants point out, that is not the claimed invention. Appeal Brief at 5.

The claimed invention involves applying a voltage to segments of a fusing **belt**, not to a fusing **roller**. There is no suggestion offered by the examiner for applying voltage to

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segments of a fusing belt. Inasmuch as the examiner has not addressed that claim requirement, the examiner has not stated a prima facie case. Therefore, the rejection will not be sustained.

CONCLUSION

The rejection is not sustained.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge))	
)	
)	
JERRY SMITH)	BOARD OF PATENT
Administrative Patent Judge))	APPEALS AND
)	INTERFERENCES
)	
JAMES T. CARMICHAEL)	
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