

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte BART D. SELBY  
and THOMAS R. BEIKIRCH

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Appeal No. 96-3634  
Application 08/295,122<sup>1</sup>

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ON BRIEF

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Before URYNOWICZ, KRASS and LALL, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-4. Claims 5-18 are allowed.

The invention pertains to a method for determining an offset correction level for a light sensor.

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<sup>1</sup> Application for patent filed August 24, 1994.

Claim 1 is illustrative and reads as follows:

1. A method for determining an offset correction level for a light sensitive sensor used to record the intensity of exposure light reflected from the surface of a document, comprising the steps of:

measuring the sensor response when the sensor is exposed to light reflected from a first target having a first, non-zero reflectance level;

measuring the sensor response when the sensor is exposed to light reflected from a second target, the second target having a second reflectance level greater than the first reflectance level; and

calculating only as a function of the sensor response to the first target and the sensor response to the second target and the reflectances of the first and second targets, the response of the sensor to light reflected from a zero reflectance target, and thereby enabling the calculated response to be used as the offset correction level for the sensor.

The reference relied upon by the examiner as evidence of unpatentability is:

Tomohisa	4,660,082	Apr. 21, 1987
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The appealed claims stand rejected under 35 U.S.C. § 102 as being anticipated by Tomohisa.

The respective positions of the examiner and the appellants with regard to the propriety of this rejection are set forth in the final rejection (Paper No. 5), the advisory action (Paper No. 8) and the examiner's answer (Paper No. 11), and the appellants' brief (Paper No. 10).

#### Opinion

We will reverse the rejection of claims 1-4 under 35 U.S.C. § 102.

Method claim 1 recites “measuring the sensor response when the sensor is exposed to light reflected from a first target having a first, non-zero reflectance level”. Our review of Tomohisa leads us

to conclude that the only disclosure of the patent which is a first target having a first, non-zero reflection level is the white reference board having a 100% reflectance. Because the only other target of Tomohisa is a black reference board having a 0% reflectance, there is no disclosure in the reference to meet the limitation “measuring the sensor response when the sensor is exposed to light reflected from a second target, the second target having a second reflectance level greater than the first reflectance level”. As such, we must reverse the rejection under 35 U.S.C. § 102 of claim 1, and claims 2-4 which depend therefrom.

We are not persuaded by the examiner’s position at page 6 of the answer that Tomohisa does not preclude use of a black target or reference board having a non-zero reflectance. Anticipation requires that all elements of the claimed invention be described in a single reference. In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990).

REVERSED

STANLEY M. URYNOWICZ, JR.	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
	)	APPEALS AND
ERROL A. KRASS	)	INTERFERENCES
Administrative Patent Judge	)	
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Appeal No. 96-3634  
Application 08/295,122

PARSHOTAM S. LALL                    )  
Administrative Patent Judge         )

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