

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MAREK KRASUSKI and DOMINIQUE MAZEILLER

Appeal No. 1998-0893
Application No. 08/196,440

HEARD: March 15, 2001

Before BARRETT, FLEMING, and LALL, Administrative Patent Judges.

LALL, Administrative Patent Judge.

DECISION ON APPEAL

Appeal No. 1998-0893
Application No. 08/196,440

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection¹ of claims 6 through 13. Claims 1 through 5 have been canceled.

The invention is directed to an electronic page inverter for a mail treatment system which stores a sequence of binary words representing the alphanumeric characters of a letter as they are delivered by a word processor system, and plays back the pages of the letter to the printer in inverse order, last page to first page, so that the printer prints them in that inverse manner. By performing this function, the present invention is useful with a mail processing system having the type of printer which output letters in an order which is suitable for direct insertion into an envelope by a folder-inserted apparatus. An automatic folder-inserter apparatus is used in connection with this invention thereby drastically improving the efficiency of the system without the need for changing the printer or requiring a change in the software of the word processor by which the letters to be printed are

¹ An amendment after the final rejection was filed as Paper No. 8, and its entry was approved by the examiner, Paper No. 9. However, the face of the amendment does not bear the initialed "approved entry" words by the examiner. We leave it to the examiner to properly indicate the approved entry.

Appeal No. 1998-0893
Application No. 08/196,440

generated. The invention is further illustrated by the following claim.

6. An electronic page inverter for a mail treatment system, the mail treatment system comprising a word processor system for redacting the text of a letter, a sheet-fed printer for printing the pages of the letter, and a folder-inserter mechanically coupled to the printer for receiving sheets on which the printer has printed the pages of the text, folding said sheets, and inserting them in an envelope, the inverter comprising:

input/output interfaces connected to the word processor system, the sheet-fed printer and the folder-inserter;

means for recording a sequence of binary words representing the alphanumeric characters of the letter as they are delivered by the word processor system;

means for inserting in the sequence of binary words a first control code at the beginning of each page of the letter, and a second control code at the end of the last page of the letter;

means for recognizing said first and second control codes in the recorded sequence of binary words for the purpose of playing back said recorded binary words to the printer, letter page by letter page in inverse order of letter pages from the last page to first page while keeping the characters making up each page in their initial order; and

means for starting an operation cycle of the folder-inserter when all of the pages of the letter have been printed.

The examiner relies on the following references:

Coons, Jr. et al. (Coons)	5,207,412	May 4,
1993		
		(filed Nov. 22, 1991)

Appeal No. 1998-0893
Application No. 08/196,440

Suzuki 5,270,830 Dec. 14,
1993
(filed Aug. 10, 1990)

Published unexamined patent application

Isaka (Japan) 62-133520² Jun. 16, 1987

Claims 6 through 8 and 10 through 13³ stand rejected under 35 U.S.C. § 103 over Coons and Isaka, while claim 9 stands rejected over Coons, Isaka and Suzuki.

Rather than repeat in toto the positions and the arguments of appellants or the examiner, we make reference to the briefs⁴ and the answer for their respective positions.

² An English translation of this Japanese unpublished patent application obtained by the U.S. Patent and Trademark Office is enclosed.

³ Claim 13 incorporates claim 9. Therefore, the rejection of claim 13 must necessarily contain at least the same references as claim 9, and not fewer as the rejection states. However, for this decision, we do not reach that issue.

⁴ A reply brief was filed as Paper No. 17. The examiner approved its entry without mailing any further response to the reply brief, Paper No. 19.

Appeal No. 1998-0893
Application No. 08/196,440

OPINION

We have considered the rejection advanced by the examiner. We have, likewise, reviewed appellants' arguments against the rejection as set forth in the briefs.

We reverse.

In our analysis, we are guided by the general proposition that in an appeal involving a rejection under 35 U.S.C. § 103, an examiner is under a burden to make out a prima facie case of obviousness. If that burden is met, the burden of going forward then shifts to the applicant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976).

Analysis

Appeal No. 1998-0893
Application No. 08/196,440

We take claim 6 as a representative claim. We have reviewed the examiner's position, answer at pages 4 through 6 and pages 8 through 11, and the position of appellants, brief at pages 8 through 15 and reply brief at pages 1 through 5. We disagree with the examiner's position for the reasons generally given by appellants in said parts of the brief and the reply brief. We add the following reasons for our disagreement with the examiner's position. We find that Coons nowhere teaches or discloses the claimed means for inserting in the sequence of binary words a first control code at the beginning of each page, neither does Coons disclose the claimed means for starting an operation cycle of the folder-inserter when all of the pages of the latter have been printed. In fact, Coons does not show a folder-inserter. Instead, Coons teaches an embedded intelligence in the form of a machine readable indicia printed on at least some of the sheets of a document. This indicia (such as a bar code on the sheet of a document) is used by Coons to differentiate the size of the sheets being stacked in a stack, so that if a different size sheet is needed, the stack is moved to a different feeder to receive the sheet of different size.

Appeal No. 1998-0893
Application No. 08/196,440

Nowhere does Coons concern itself with the printing of different pages of a document, let alone try to rearrange the order of the pages to be printed. On the other hand, Isaka does show the apparatus and means of inverting the order of pages in a document to be printed. We find that Isaka teaches a means to give instructions regarding the prioritized printing sequence of the pages, and a means in which the temporarily stored data are changed according to the printing sequence instructions, and temporarily stores the data as pages. See page 3 of Isaka translation. These instructions to change the sequence of pages are sent to the control part 2 from an external source, such as console 8 in Fig. 1. Thus, Isaka does not show or suggest the claimed "means for inserting in the sequence of binary words a first control code . . . , and a second control code at the end of the last page of the letter." (In passing, we came across a pertinent reference, namely "Mastering WordPerfect® 5.1 & 5.2 for Windows™" (hereafter, WordPerfect)⁵, copy enclosed and made of record. WordPerfect, at pages 305 and 306, recognizes the

⁵ Simpson, "Mastering WordPerfect® 5.1 & 5.2 for Windows™," Sybex Inc., pp. 305 & 306, Feb. 12, 1993.

Appeal No. 1998-0893
Application No. 08/196,440

problem of "printing backward-last page first," but suggests the user of the printer to create a "macro" and then using the macro for a document to be printed "backward." However, WordPerfect falls short of meeting the above recited limitation). Furthermore, Isaka does not show a folder-inserter in its apparatus. (Again, we suggest for the examiner's consideration a folder-inserter reference, namely Gombault et al. (hereinafter, Gombault), U.S. Patent 5,099,633, published on March 31, 1992, copy enclosed and made of record. However, in our view, Gombault does not cure the above noted deficiency). Therefore, the combination of Coons and Isaka does not meet the claim limitations of claim 6. Thus, we do not sustain the obviousness rejection of claim 6 and its dependent claims 7 through 8 and 10 through 13 over Coons and Isaka, or the rejection of claim 9 over Coons, Isaka and Suzuki because Suzuki does not cure the deficiency we have noted above.

Appeal No. 1998-0893
Application No. 08/196,440

In summary, we have not sustained the obviousness rejection of claims 6 through 8 and 10 through 13 over Coons and Isaka, and of claim 9 over Coons, Isaka and Suzuki.

Accordingly, the decision of the examiner rejecting claims 6 through 13 under 35 U.S.C. § 103 is reversed.

REVERSED

PATENT	Michael R. Fleming) BOARD OF
	Administrative Patent Judge) APPEALS AND
) INTERFERENCES
)
)
	Parshotam S. Lall)
	Administrative Patent Judge)

Appeal No. 1998-0893
Application No. 08/196,440

BARRETT, Administrative Patent Judge, concurring.

I concur with the decision of Administrative Patent Judge (APJ) Lall reversing the Examiner's rejection based on Coons and Isaka, but write separately to provide additional comments.

Initially, I agree with APJ Lall that while Isaka discloses reverse printing, it does not do so in the claimed way using inserted first and second control codes. The controller in Isaka interprets commands to construct the data into paged data (e.g., D1, D2, D3) that is stored in the page buffer memory (translation, p. 5). Thus, it appears that a controller program, not an inserted control code, is used to separate the pages of data. The header addresses of the data D1, D2, D3, etc. in Isaka are stored in a separate table memory and the inversion takes place by changing the sequence of header addresses (translation, pp. 6-7). The use of header addresses in the table memory of Isaka is similar to Appellants' disclosure of registers containing the start-of-page addresses (specification, p. 6, lines 6-15); however, this does not cure the deficiency that Isaka apparently does not use inserted control codes.

Appeal No. 1998-0893
Application No. 08/196,440

The book by Alan Simpson, Mastering WordPerfect® 5.1 and 5.2 for Windows™ (Sybex 1993) (hereinafter WordPerfect), pp. 30, 31, 74, 305, and 306, has a date of publication of February 12, 1993,⁶ which is five days before Appellants' foreign priority date. WordPerfect explains that all the formatting features in a document, including page breaks, are controlled by hidden codes in the document (p. 74). The page break control codes (hard page or soft page) are considered a "first control code," as claimed. It was notoriously well known in the computer art that the end of a file is marked by a special end of file (EOF) control code following the last character of the file, which is considered a "second control code at the end of the last page of the

⁶ The following copyright information was found on the Copyright Office website ("<http://www.copyright.gov>") where IMPR is the imprint information, DCRE is the date of creation, DPUB is the date of publication, and DREG is the date of registration:

TITL: Mastering WordPerfect 5.1 & 5.2 for Windows / Alan Simpson.
IMPR: San Francisco : Sybex, c1993.
PHYS: 1198 p.
CLNA: Sybex, Inc.
DCRE: 1993 DPUB: 12Feb93 DREG: 29Apr93
PREV: Prev. reg. 1991, TX 3-193-471.
LINM: NM: "updated & rev. material."
ECIF: 1/B/L//A

Appeal No. 1998-0893
Application No. 08/196,440

letter"; a user of WordPerfect 5.2 for Windows with the Common User Access (CUA) keyboard style can go to the end of the document by pressing Ctrl+End (pp. 30-31). WordPerfect discusses the problem of reverse printing to avoid the problem of having to manually re-collate the pages from printers that print pages face up (page 305). The macro for backwards printing at page 306, together with the WordPerfect program, performs the function of "recognizing said first and second control codes . . . for the purpose of playing back said recorded binary words to the printer, letter page by letter page in inverse order" Thus, I find that the method of reverse printing using embedded control codes was known.

The main reason I write separately is to point out that claim 6 requires more than just a means for inverting the order of printing and a folder-inserter. Claim 6 requires an inverter having "input/output interfaces connected to the word processor system, the sheet-fed printer and the folder-inserter" and "means for starting an operation cycle of the folder-inserter when all of the pages of the letter have been printed." Assuming, arguendo, that the inverter's means for inserting codes and means for playing back the recorded binary

Appeal No. 1998-0893
Application No. 08/196,440

words in inverse order can be satisfied by a software program on the computer, such as that described in WordPerfect, (i.e., the microprocessor, memory, and software of the word processor system are "equivalent" under 35 U.S.C. § 112, sixth paragraph, to the disclosed inverter structure and the input/output interface between the word processor system and the inverter can be a software interface), there must still be an input/output interface between the inverter and the folder-inserter and "means for starting an operation cycle of the folder-inserter when all of the pages of the letter have been printed." This inverter/folder-inserter interface and means for starting the operation cycle are not shown in the references.

The other reason I write separately is to point out what appears to be a discrepancy between claim 6 and the disclosure. Claim 6 recites "the inverter comprising: . . . means for inserting in the sequence of binary words a first control code at the beginning of each page of the letter, and a second control code at the end of the last page of the letter . . .," which requires the inverter to insert to control codes. However, as I read the specification, the

Appeal No. 1998-0893
Application No. 08/196,440

inverter interprets codes that are already in the letter sent from the word processor printer driver to the printer (specification, p. 5, lines 18-35). The inverter detects these special codes and stores them in registers containing the start-of-page addresses (specification, p. 6,

Appeal No. 1998-0893
Application No. 08/196,440

lines 6-15), but does not actually insert the codes. If this understanding is correct, then claim 6 should be modified appropriately.

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LEE E. BARRETT) APPEALS
Administrative Patent Judge) AND
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Appeal No. 1998-0893
Application No. 08/196,440

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