

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RON ABRAMOV, YOAV BEN DROR, AMIR GAASH, DAVID  
LESHEM, YEHUDA NIV, and BENNY POUPKO

Appeal No. 2001-0843  
Application No. 08/945,415

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HEARD: AUGUST 14, 2002

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Before THOMAS, JERRY SMITH, and RUGGIERO, Administrative  
Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-24. An amendment filed May 1, 2000 after final rejection, which canceled claims 8-13 and 19-24, was approved for entry by the Examiner. Accordingly, only the Examiner's rejection of claims 1-7 and 14-18 is before us on appeal.

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The claimed invention relates to a method of printing a multi-page job in which separate non-bit mapped files for each page of the job are produced. Further, a separate page file for each page of the print job is produced and stored in memory, the stored page files being subsequently printed in sequence.

Claim 1 is illustrative of the invention and reads as follows:

1. A method of printing a multi-page job comprising:

producing separate non-bit mapped files for each page of the multi-page job;

producing a page file for each page of the multi-page job;

storing the page files in a memory; and

printing the page files in sequence.

The Examiner relies on the following prior art:

Takayanagi et al. (Takayanagi)	5,619,623	Apr. 08, 1997
		(filed Sep. 15, 1994)
Deschuytere	5,758,042	May 26, 1998
		(effectively filed Jul. 06, 1994)
Shope et al. (Shope)	WO 88/10477	Dec. 29, 1988
		(published World Intell. Prop. Org. Patent Application)

Claims 1-7 and 14-18 stand finally rejected under 35 U.S.C. § 103(a). As evidence of obviousness, the

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Examiner offers Shope in view of Takayanagi with respect to claims 1-6, and adds Deschuytere to the basic combination with respect to claims 7 and 14-18.<sup>1</sup>

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Briefs<sup>2</sup> and Answer for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner, the arguments in support of the rejection and the evidence of obviousness relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

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<sup>1</sup> The Examiner's inclusion of claims 8-13 in the statement of the grounds of rejection at page 4 of the Answer is an apparent inadvertent error since these claims were canceled by Appellants' May 1, 2000 amendment after final rejection, which the Examiner approved for entry.

<sup>2</sup> The Appeal Brief was filed August 1, 2000 (Paper No. 20). In response to the Examiner's Answer dated October 24, 2000, (Paper No. 22), a Reply Brief was filed December 27, 2000 (Paper No. 25), which was acknowledged and entered by the Examiner in the communication dated March 19, 2002 (Paper No. 28).

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It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the obviousness of the invention as set forth in claims 1-7 and 14-18. Accordingly, we reverse.

With respect to independent claims 1 and 3, Appellants' response to the 35 U.S.C. § 103(a) rejection asserts that the Examiner has not established a prima facie case of obviousness since all of the limitations of the appealed claims are not taught or suggested by the applied Shope and Takayanagi references. In particular, Appellants contend (Brief, pages 4-6; Reply Brief, pages 1 and 2) that the Shope reference, relied on by the Examiner as teaching the production of separate page files for printing, does not in fact disclose ". . . producing a page file for each page of the multi-page job" as set forth in each of independent claims 1 and 3.

After careful review of the applied prior art references in light of the arguments of record, we are in agreement with Appellants' position as stated in the Briefs.

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The portions of the disclosure of Shope, i.e., page 3, lines 22-27 and page 5, lines 1-3, cited by the Examiner (Answer, page 4) are directed to discussions of print spooling and address pointers, respectively. While Shope discloses that print jobs ". . . are spooled one page at a time to a pattern generator or raster image processor (RIP) 10," we find no support for the Examiner's conclusion that this operation indicates that separate page files are created for each page of a multi-page print job. In other words, the spooling operation described by Shope, rather than describing the creation of separate page files, merely indicates that print images are fed one page at a time in coordination with the slower printing speeds of the printer, enabling printing as a background operation while permitting user interaction with other applications.<sup>3</sup> Similarly, we agree with Appellants that the passage at lines 1 and 2 of page 5 of Shope merely suggests the use of address pointers

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<sup>3</sup> See definition of a "print spooler" at page 317 of Computer Dictionary, (2<sup>nd</sup> Ed., Microsoft Press, Redmond, WA 1994), a copy of which is enclosed with this decision).

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to delineate the beginning and end addresses of pages in a multi-page file, not an indication that separate files are created for each page.

We have reviewed the Takayanagi reference, applied by the Examiner to supply a teaching of generating a print data file consisting of direct image data in the form of bit mapped data, and non-direct image data in the form of non-bit mapped data. We find no disclosure in Takayanagi, however, which would overcome the deficiencies of Shope discussed supra. As such, even assuming, arguendo, that the skilled artisan would have been motivated to make the Examiner's proposed combination of Shope and Takayanagi, the resulting system would not possess the features present in the claims on appeal.

We have also reviewed the Deschuytere reference applied by the Examiner to address the continuous tone file feature of dependent claims 7 and 14-18. We find nothing in Deschuytere which would overcome the innate previously discussed deficiencies of Shope and Takayanagi.

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In view of the above discussion, it is our opinion that the Examiner has not established a prima facie case of obviousness. Accordingly, the rejection of independent claims 1 and 3, as well as claims 2, 4-7 and 14-18 dependent thereon, is not sustained.

In summary, we have not sustained the Examiner's 35 U.S.C. § 103(a) rejection of any of the claims on appeal. Therefore, the decision of the Examiner rejecting claims 1-7 and 14-18 is reversed.

REVERSED

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
	)	
	)	
JERRY SMITH	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	

JFR:hh

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