

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte JOSEF GOTTLING, GODBER PETERSEN and RAINER STAMME

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Appeal No. 2005-0236  
Application No. 08/642,866

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ON BRIEF

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Before FRANKFORT, NASE and BAHR, Administrative Patent Judges.  
BAHR, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 3-9, 11 and 14-21, which are all of the claims pending in this application. Claims 2, 10, 12 and 13 have been canceled. Claim 11 was amended subsequent to the final rejection.

We REVERSE.

BACKGROUND

The appellants' invention relates to a device for cleaning printing cylinders. A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The examiner relied upon the following prior art references of record in rejecting the appealed claims:

Anderson et al. (Anderson)	3,486,448	Dec. 30, 1969
Giori	4,054,685	Oct. 18, 1977
Arnolds	4,254,709	Mar. 10, 1981
Uribe et al. (Uribe)	5,109,770	May 5, 1992
Sjöberg	WO 94/12349	Jun. 9, 1994

The following rejections are before us for review.<sup>1</sup>

Claims 1, 8, 9, 11, 14, 15 and 17-21<sup>2</sup> stand rejected under 35 U.S.C. § 103 as being unpatentable over Uribe in view of Anderson and Sjöberg.

Claims 3, 5-7 and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Uribe in view of Anderson and Sjöberg and further in view of Giori.

Claim 4 stands rejected under 35 U.S.C. § 103 as being unpatentable over Uribe in view of Anderson and Sjöberg and further in view of Arnolds.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the answer (mailed May 14, 2003) for the examiner's complete reasoning in support of the rejections and to the corrected brief (filed March 30, 2004) and reply brief (filed July 16, 2003) for the appellants' arguments thereagainst.

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<sup>1</sup> The rejection under the first paragraph of 35 U.S.C. § 112 has been withdrawn (answer, page 5).

<sup>2</sup> The inclusion of canceled claims 12 and 13 in this rejection on page 3 of the answer appears to have been an inadvertent error on the part of the examiner.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

We turn our attention first to the rejection of claims 1, 8, 9, 11, 14, 15 and 17-21 as being unpatentable over Uribe in view of Anderson and Sjöberg. Uribe, the primary reference relied upon by the examiner in rejecting appellants' claims, is the only one of the three applied references which comprises a housing which is open toward the outer surface of the cylinder, as called for in each of appellants' independent claims 1, 14 and 17. Uribe, however, utilizes a brush roller 28, fed with cleaning fluid, which could include water, via a cleaning fluid distribution tube 41, rather than a plurality of nozzles configured, arranged or operative to direct jets of water against or onto an outer surface of the cylinder as called for in claims 1, 14 and 17.

Anderson discloses a blanket cylinder washer comprising a plurality of nozzles 39, affixed to spray bars 36, which emit a flammable solvent toward the cylinder to wash off lint and break down the affinity of the ink to cling to the cylinders. See Figures 2-4. Anderson (column 1, lines 54-59) teaches that bristle brushes employed in the prior art to clean the exterior surfaces of the blanket cylinder have not been found entirely satisfactory.

Sjöberg discloses a single nozzle head 4, with a suction nozzle 26 and a jet nozzle 24 located therein, movable to and fro via a linear actuator 21 parallel to the shaft of a pattern roll 6 to clean the pattern roll.

From our viewpoint, each of the references, Uribe, Anderson and Sjöberg, applied by the examiner in this rejection discloses a different approach to cleaning the exterior surface of a printing cylinder or roller. One of ordinary skill in the art at the time of appellants' invention would have viewed the spray bars of Anderson and the movable suction/jet nozzle head of Sjöberg as alternatives to the brush roller arrangement of Uribe and would not have been led by the teachings of these references to modify Uribe's cleaning device as proposed by the examiner to arrive at appellants' claimed invention. From our perspective, the only suggestion for putting the selected pieces from the references together in the manner proposed by the examiner is found in the luxury of hindsight accorded one who first viewed the appellants' disclosure. This, of course, is not a proper basis for a rejection. See In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). It follows that we must reverse the rejection of independent claims 1, 14 and 17 and claims 8, 9, 11, 15 and 18-21 depending therefrom.

The examiner's additional application of Giori and Arnolds does nothing to cure the above-noted deficiency of the combination of Uribe, Anderson and Sjöberg. We therefore must also reverse the rejections of claims 3, 5-7 and 16 as being unpatentable

over Uribe in view of Anderson, Sjöberg and Giori and claim 4 as being unpatentable  
over Uribe in view of Anderson, Sjöberg and Arnolds.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1, 3-9, 11 and 14-21 under 35 U.S.C. § 103 is reversed.

REVERSED

CHARLES E. FRANKFORT  
Administrative Patent Judge

JEFFREY V. NASE  
Administrative Patent Judge

JENNIFER D. BAHR  
Administrative Patent Judge

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