

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

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* RAYMOND A. BLANCHARD JR., DONALD A. CAMPBELL,  
RICHARD E. ROBERTS and DONALD J. WARD

---

Appeal No. 2006-1463  
Application No. 10/703,932  
Technology Center 3600

---

Heard: August 8, 2006

---

Before FRANKFORT, OWENS and BAHR, *Administrative Patent Judges*.  
BAHR, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the examiner's rejection of claims 1-8 and 15-25. Claims 34-45 stand withdrawn from consideration as not being directed to an elected invention.

We REVERSE.

## BACKGROUND

The appellants' invention relates to a stacker and a method of stacking sheets, wherein batches of sheets are separated from each other by batch separator sheets, the separator sheets being offset from the batches. A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The examiner relies upon the following as evidence of unpatentability:

Irvine	US 4,067,568	Jan. 10, 1978
Tsai	US 6,056,288	May 2, 2000

The following rejection is before us for review.

Claims 1-8 and 15-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsai in view of Irvine.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding this appeal, we make reference to the examiner's answer (mailed January 27, 2006) for the examiner's complete reasoning in support of the rejection and to the appellants' brief (filed November 16, 2005) and reply brief (filed February 7, 2006) for the appellants' arguments thereagainst.

## OPINION

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

Each of the appellants' method claims 1-8 requires steps of feeding sheets along a path *to the bottom of a stack*, and either shifting the stack laterally from one position to another position lateral of the path and back to the one position or selectively shifting a stacker carriage on which the sheets are accumulated between one position and another position while feeding the sheets. Tsai discloses a sheet stacking offsetting system for the offset stacking of sheets or sets of sheets being outputted by a printer or other reproduction apparatus, the system comprising a stacking tray that is reciprocatingly moved back and forth between two positions by rotation of a disk or crank with an eccentric pin cam 18 so that sheets can be stacked in offset sheet stacks 14, 16, as illustrated in Figure 2. The examiner concedes that Tsai fails to disclose feeding sheets to the bottom of the stack. Citing as motivation the disclosure of Irvine (col. 1, ll. 57-64), the examiner contends that it would have been obvious to modify Tsai by feeding printed sheets to the bottom of the stack, "as disclosed by Irvine, for the purpose of preventing sheets from binding, bending, tearing, or failing to fully enter a stack as a result of gravity feeding" (answer, p. 3).

Irvine is directed to an improvement for bottom-feeding type stackers in which each succeeding document is fed along a chute and joins the stack by having its leading edge projected under the stack of documents (col. 1, ll. 53-56). The disclosure of Irvine relied upon by the examiner reads as follows:

Ordinarily stacked documents are urged by a weighted or spring loaded plate or by the force of gravity toward the collection platform. Therefore, it has been found that incoming documents may bind or bend when they impact the stack, either the stacked or incoming documents may tear, or the incoming documents may fail to fully enter the stack [col. 1, ll. 57-63].

The above passage discussed the disadvantages of a bottom-feed stacking system wherein stacked documents are ordinarily urged by a weighted or spring loaded plate or by the force of gravity toward the collection platform. The Irvine patent is directed to a planetary rotating spider device that pushes the stacked documents away from the platform to open a slight gap therebetween and immediately thereafter thrusts the next succeeding document into the gap until its leading edge abuts the alignment barrier. Irvine's planetary rotating spider device, as illustrated in Figure 1, is provided with two pushing rolls 38, which push the stacked documents upward, alternated with two feed rolls 46, which thrust the next succeeding document into the gap.

As is apparent from the above discussion, Irvine provides absolutely no suggestion to provide a bottom-feed arrangement on the offset stacker of Tsai to

prevent the sheets from binding, bending tearing or failing to enter the stack as a result of gravity feeding and, in fact, would have dissuaded one of ordinary skill in the art from modifying a top-feed system to a bottom-feed system because of the binding, bending, tearing, etc. issues presented by a bottom-feed system. It follows that we cannot sustain the examiner's rejection of appellants' method claims 1-8 as being unpatentable over Tsai in view of Irvine.

Each of appellants' claims 15-25 recites a stationary stacker base, a shiftable stacker carriage on the stacker base and a *feeder on the stacker carriage* for feeding sheets. The arrangement of a feeder on the shiftable stacker carriage is not taught or suggested by Tsai or Irvine. The rejection of claims 15-25 as being unpatentable over Tsai in view of Irvine thus also cannot be sustained.

## CONCLUSION

To summarize, the decision of the examiner to reject claims 1-8 and 15-25 is REVERSED.

REVERSED

CHARLES E. FRANKFORT )  
Administrative Patent Judge )  
 )  
 )  
 )  
 )  
 )  
 ) BOARD OF PATENT  
TERRY J. OWENS ) APPEALS  
Administrative Patent Judge ) AND  
 ) INTERFERENCES  
 )  
 )  
 )  
 )  
JENNIFER D. BAHR )  
Administrative Patent Judge )

Appeal No. 2006-1463  
Application No. 10/703,932

Page 7

PAXAR AMERICAS, INC.  
ATTN: JOSEPH J. GRASS  
170 MONARCH LANE  
MIAMISBURG, OH 45342

JDB/ki

