

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 HATTO HECHLER

Appeal No. 2006-3197
Application No. 10/302,215
Technology Center 3700

HEARD: December 12, 2006

Before BAHR, NAPPI and HORNER, **Administrative Patent Judges**.
NAPPI, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 1 through 12. For the reasons stated *infra* we will not sustain the examiner's rejection of claims 1 through 12.

THE INVENTION

The invention relates to a paper folding machine which makes use of folding rollers. The rollers are loaded in a manner such that the restoring force bearing on the folding roller can be adapted to the specific requirements of the paper to be folded. See page 2 of appellant's specification. Claim 1 is representative of the invention and is reproduced below:

1. A folding unit, comprising:
a plurality of folding rollers mounted and loaded at ends thereof; and
a load element having a nonlinear expansion-force characteristic disposed at least at one of said folding rollers for loading.

THE REFERENCES

The references relied upon by the examiner are:

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|--------------|-----------|---------------|
| Christoffers | 5,036,714 | Aug. 06, 1991 |
| Jackson | 5,937,757 | Aug. 17, 1999 |

THE REJECTION AT ISSUE

Claims 1 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jackson. Claims 2 through 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jackson in view of Christoffers. The examiner's rejections are on page 3 of the answer. Throughout the opinion we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellant's arguments set forth in the brief and reply brief along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the examiner's rejections and the arguments of appellant and the examiner, for the reasons stated *infra* we will not sustain the examiner's rejections of claims 1 through 12.

Appellant argues, on pages 4 through 8 of the brief, that Jackson does not anticipate independent claims 1 and 12 as Jackson does not teach using a load element having a nonlinear expansion-force characteristic disposed on at least one of the folding rollers for loading. On page 8 of the brief,

appellant argues that the goal of the load element in Jackson is to provide a constant pressure when the folding rollers are forced apart rather than a disproportionate rise in restoring force (i.e. nonlinear force) as claimed.

In response to appellant's arguments the examiner states on pages 3 and 4 of the answer:

Jackson et al show a load element 36 that has nonlinear expansion force characteristics. The force characteristics are disposed at one of the folding rollers as claimed since the force is acting on the rollers. The nonlinear expansion force is inherent in the elastomer means 36 which will expand in a nonlinear manner as it is inflated or deflated. Examiner is interpreting nonlinear expansion characteristic in a broad context.

We disagree with the examiner's findings. Claim 1 recites "a plurality of folding rollers mounted and loaded at ends thereof and a load element having a nonlinear expansion-force characteristic disposed at least on one of said folding rollers for loading." We note that the term loading is not specifically defined in appellant's specification; however the text on pages 2 and 3 of appellant's specification discusses the term as referring to a restoring force acting on the rollers.

We do not find that Jackson teaches a load element which has a nonlinear expansion force as claimed. Jackson teaches that a control bag, item 36, is inflated and applies a desired level of force on the roller arms while paper is being folded. See column 2, lines 46 through 50. Jackson teaches that this force or pressure, which we consider to be a restoring force, is a constant pressure, rather than an increasing pressure as would be in the

case of conventional springs (we note that Jackson is silent as to whether the increasing pressure of conventional springs is linear or not). Thus, we do not find that Jackson teaches that the load member has a nonlinear expansion force characteristic. We do not find evidence of record to support the examiner's assertion that inflating the bag item 36 will create a nonlinear expansion force. Thus, we do not find that Jackson teaches all of the limitations of independent claims 1 and 12. Accordingly, we will not sustain the examiner's rejection of claims 1 and 12 under 35 U.S.C. § 102(b).

The examiner rejects dependent claims 2 through 11 under 35 U.S.C. § 103(a) as being unpatentable over Jackson in view of Christoffers. Claims 2 through 11 ultimately depend upon claim 1. The examiner has not asserted, nor do we find that Christoffers teaches modifying a folding machine such as Jackson to use a load member which has a nonlinear expansion characteristic.

Accordingly, we will not sustain the examiner's rejection of claim 2 through 11 for the same reasons discussed *supra* with respect to claim 1.

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For the forgoing reasons, we will not sustain the examiner's rejection of claims 1 and 12 under 35 U.S.C. § 102(b) or the rejection of claims 2 through 11, under 35 U.S.C. § 103. The decision of the examiner is reversed.

REVERSED

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| JENNIFER D. BAHR |) | |
| Administrative Patent Judge |) | |
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| |) | |
| |) | BOARD OF PATENT |
| ROBERT E. NAPPI |) | APPEALS AND |
| Administrative Patent Judge |) | INTERFERENCES |
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| LINDA E. HORNER |) | |
| Administrative Patent Judge |) | |

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