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 ALAIN BLANCHARD and JEAN-FRANCOIS ROBERT

Appeal 2007-1364
Application 10/437,576
Technology Center 3700

Decided: May 18, 2007

Before TERRY J. OWENS, ANITA PELLMAN GROSS, and LINDA E. HORNER, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1-19. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We AFFIRM-IN-PART.

THE INVENTION

Appellants' claimed invention relates to a folding/cutting apparatus for folding signatures cut from a running web of material in a web-fed rotary printing press. More specifically, the claimed invention is directed to a folding/cutting apparatus including at least one rotating band-shaped conveying element, a cutting blade arranged on a folding cylinder, and a rotating anvil element which interacts with the cutting blade (Specification ¶ 0005).

Claim 1, reproduced below, is representative of the subject matter on appeal.

> 1. A folding apparatus in a web-fed rotary printing press for folding signatures cut off from a running web of material comprising:
>
> a cutting device;
>
> at least one rotating band shaped conveying element; and
>
> a cylinder having a signature transport surface for carrying the signatures with the aid of the at least one rotating band-shaped conveying element around the cylinder,
>
> the cutting device including a cutting blade arranged on the cylinder and a rotating anvil element interacting with the cutting blade;
>
> the rotating band-shaped conveying element being passed around the rotating anvil element and acting as a counter-pressure element for the cutting blade during cutting of the signatures.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Motooka	US 4,957,280	Sep. 18, 1990
Stobb	US 4,983,155	Jan. 08, 1991

The following rejections are before us for review.

1. Claims 1, 3-7, 12, 13, and 15-19 stand rejected under 35 U.S.C. § 102(b) as anticipated by Stobb (Answer 3).
2. Claim 14 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Stobb (Answer 4).
3. Claims 2 and 8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Stobb and Motooka (Answer 4).
4. Claims 9-11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Stobb in view of Appellants' Admitted Prior Art (AAPA) (Answer 4-5).

ISSUE

Appellants contend that the Examiner erred in rejecting claims 1, 3-7, 12, 13, and 15-19 because Stobb fails to teach each and every claimed element. More specifically, Appellants contend that Stobb fails to teach: a cutting blade that interacts with an anvil element and a band-shaped conveying element that passes around the anvil element (claim 1) (Appeal Br. 6-7); a band-shaped conveying element that is a belt in a groove formed on the rotating anvil element, the depth of the groove being smaller than a thickness of the band-shaped conveying element (claim 3) (Appeal Br. 7); the belt is a toothed belt provided with reinforced sections in regions where the cutting blade interacts with the belt during the cutting operation (claim 4) (Appeal Br. 7); the toothed belt has a toothed side and a flat side and is passed around the rotating anvil element with the toothed side and around the cylinder with the flat side (claim 6) (Appeal Br. 8); the band-shaped

conveying element is manufactured over its entire length from a material resistant to damage by the cutting blade, and the further rotating band-shaped conveying element is manufactured from a material not resistant to cuts from the cutting blade (claim 13) (Appeal Br. 8); the rotating band-shaped conveying element is passed around the rotating anvil element via deflection pulleys in such a way that, with respect to the rotation center of the cylinder, the rotating band-shaped conveying element is guided on and in contact with the perimeter of the cylinder over a predetermined angular range before a point of interaction of the cutting blade and the anvil element (claim 16) (Appeal Br. 8-9); the rotating anvil includes a cutting rubber element (claim 18) (Appeal Br. 9); and the rotating anvil element includes a grooved strip (claim 19) (Appeal Br. 9). Appellants further contend that the Examiner erred in rejecting claims 9-11 and 14 because the Examiner's proposed modification to Stobb "appears not to be possible or desirable" (claim 9) (Appeal Br. 9), or is not needed (claim 10) (Appeal Br. 10). Finally, Appellants contend that the Examiner erred in rejecting claims 2 and 8 because the combination fails to teach each and every claimed element (Appeal Br. 10).

The issues before us are:

(1) Whether Appellants have shown that the Examiner erred in rejecting claims 1, 3-7, 12, 13, and 15-19 as anticipated by Stobb.

(2) Whether Appellants have shown that the Examiner erred in rejecting claim 14 as unpatentable over Stobb.

(3) Whether Appellants have shown that the Examiner erred in rejecting claims 2 and 8 as unpatentable over Stobb and Motooka.

(4) Whether Appellants have shown that the Examiner erred in rejecting claims 9-11 as unpatentable over Stobb and AAPA.

FINDINGS OF FACT

We find the following facts by a preponderance of the evidence:

1. Stobb teaches a paper web cutter for cutting across the width of a moving web of paper in locations along the length of the web, for severing the web in two sections (Stobb, abs.)
2. Stobb is concerned with providing a web cutting device which combines the conveying element and cutting members in order to allow the web to be cut while moving at a high speed (Stobb, col. 1, ll. 30-35).
3. In one embodiment of Stobb, the web W is severed across its entire width by individual cutters 87 mounted on the circumference of conveyor cylinder 96 (Stobb, col. 5, ll. 46-60).
4. The web W is pressed against the circumference 97 of the conveyor cylinder 96 by the timing belt 93, which includes openings 94 spaced across the width of the belt for receiving the cutters 87 (Stobb, col. 5, ll. 53-60).
5. Stobb teaches that the timing belt 93 is trained on three pulleys such that the belt is pressed against the cylinder surface, extending across the circumference on opposite sides of the location of the cutter 87 (Stobb, col. 6, ll. 8-22 and Fig. 12).

6. The timing belt 93 is trained on a pulley 102 which presses the timing belt 93 downwardly and against the cylinder circumference 97 during the web cutting process (Stobb, col. 6, ll. 8-14).
7. A pulley is a sheave or wheel with a grooved rim. *Merriam-Webster's Collegiate Dictionary* 1007 (11th ed. 2005).
8. The groove of pulley 102 of Stobb must have a depth smaller than the thickness of the timing belt 93 in order to provide the required pressure against the belt, because if the pulley had a groove depth greater than the thickness of the timing belt, the pulley would come in contact with the cylinder surface before the belt.
9. Figures 6 and 7 of Stobb show enlarged side or sectional views of conveyor belts of the timing belt type. Figure 6 illustrates an outer belt 66 which includes a recess 71 for receiving a knife blade or cutter. Figure 7 illustrates an inner belt 67 which includes a cutter 68. Both belts have the usual teeth or cogs 69 for moving the timing belts in precise synchronization relative to each other (Stobb, col. 4, ll. 51-62)
10. The conveyor belt 93, illustrated in Figures 12 and 13 of Stobb, is a timing belt, which includes recesses 94 that receive cutters 87 (Stobb, col. 5, ll. 50-56).
11. In another embodiment of Stobb, conveyers are operated at a faster speed than the speed of the web at the point of contact with the drum to pull apart uncut portions of the web (Stobb, col. 4, ll. 13-19).

12. Stobb does not teach what material to use to construct the timing belt 93, nor does Stobb teach or suggest the need for reinforcing those sections of the timing belts which are configured to receive a knife blade or cutter. As such, reinforcing sections of the timing belts does not necessarily flow from the teachings of Stobb.
13. Motooka teaches a pinless folding machine capable of folding sheets cut from a web with high folding precision (Motooka, col. 2, ll. 48-52).
14. According to an embodiment of Motooka, the machine includes a folding drum 23, a second cutter device 25, a second cutter receiver drum 26, a folding blade device 29, a sawtooth cutter blade 31 and clamping claws 32 (Motooka, col. 3, l. 63 to col. 4, l. 2).
15. The machine further includes a plurality of narrow drum-round conveyor belts 24 disposed around the folding drum 23 (Motooka, col. 4, ll. 10-15).
16. The cutting device 25 is disposed on the folding drum 23 for cutting the web such that it is completely cut across its entire width (Motooka, col. 4, ll. 18-26).
17. Appellants' Specification does not define the terms anvil or anvil element. The Specification describes, however, the function of the rotating anvil element 16 is to provide support for the rotating band-shaped conveying element in such a manner that the band-shaped conveying element provides counter-pressure for the cutting blade during the cutting operation (Specification 2:[0007]).

18. Anvil is commonly-defined as "A heavy block of iron or steel with a smooth, flat top on which metals are shaped by hammering." *The American Heritage® Dictionary of the English Language* (4th ed. 2000). The term "anvil" is not used in the present claims in accordance with this common meaning.

PRINCIPLES OF LAW

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987).

"To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted) (internal quotation marks omitted).

The Examiner bears the initial burden of presenting a prima facie case of obviousness in rejecting claims under 35 U.S.C. § 103. *See In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993).

The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. *In re Fine*, 837 F.2d 1071, 1074,

5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

A prima facie case of obviousness is established by presenting evidence that would have led one of ordinary skill in the art to combine the relevant teachings of the references to arrive at the claimed invention. *See Id.* and *In re Lintner*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

On appeal, Appellant bears the burden of showing that the Examiner has not established a legally sufficient basis for combining the teachings of the references. Applicant may sustain its burden by showing that where the Examiner relies on a combination of disclosures, the Examiner failed to provide sufficient reasons to show that one having ordinary skill in the art would have done what Applicant did. *KSR Int'l Co. v. Teleflex Inc.*, No. 127 S.Ct. 1727, 82 USPQ2d 1385 (2007); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 483-84 (1966); *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick, Co.*, 464 F.3d 1356, 1360-61, 80 USPQ2d 1641, 1645 (Fed. Cir. 2006); *In re Kahn*, 441 F.3d 977, 987-88, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

ANALYSIS

REJECTION OF CLAIMS 1, 3-7, 12, 13, AND 15-19 UNDER 35 U.S.C. §102(b) AS ANTICIPATED BY STOBB

Appellants argue claims 1, 5, 7, 12, 15, and 17 as a group. As such, we select claim 1 as a representative claim, and the remaining claims of the group will stand or fall with claim 1. 37 C.F.R. § 41.37(c)(1)(vii) (2006).

Claim 1, directed to a folding apparatus, requires a cutting device; at least one rotating band shaped conveying element passed around a rotating anvil

element and acting as a counter-pressure element for the cutting blade of the cutting device; and a cylinder having a signature transport surface. Furthermore, claim 1 requires the cutting device include a cutting blade arranged on the cylinder and the rotating anvil element interact with the cutting blade.

An embodiment of Stobb teaches a paper web cutter including a conveyer cylinder 96, cutters 87, timing belt 93, and pulley 102 (Finding of Fact 4-6). The pulley 102 presses the timing belt 93 downwardly and against the circumference 97 of the conveyer cylinder 96 during the web cutting process (Finding of Fact 6). Therefore, the pulley 102 interacts with the cutter 87 as it provides pressure to secure the timing belt 93 against the circumference of the cylinder 96. Appellants argue that the pulley 102 of Stobb is not an "anvil" and therefore does not "interact" with the cutter 87 (Appeal Br. 6).

To determine whether Stobb's pulley 102 is the claimed "anvil" requires us to interpret the meaning of this term. We first note that the term "anvil" is not used in the present application in accordance with its common meaning (Finding of Fact 18). We further note that the Specification does not supply any special meaning to the term "anvil" or "anvil element" (Finding of Fact 17). Although the Specification, specifically Figure 4, illustrates that the anvil element includes a grooved rubber cutting element 18 for receiving the cutting blade, this limitation is not recited in claim 1. In addition, in view of the theory of claim differentiation, the inclusion of this limitation in dependent claims 18 and 19 supports a broader interpretation of an anvil element in claim 1. The Specification does describe that the function of the rotating anvil element 16 is to provide support for the rotating

band-shaped conveying element in such a manner that the band-shaped conveying element provides counter-pressure for the cutting blade during the cutting operation (Finding of Fact 17). As such, we interpret anvil under its broadest reasonable interpretation in view of the Specification to be an element which provides counter pressure during the cutting process. Although Stobb discloses embodiments, for example, those illustrated in Figures 1 and 4, where an anvil is not needed because the conveyor belts function to hold the web taut during the cutting process, Stobb specifically discloses that the pulley 102 of the embodiment illustrated in Figure 12 functions as an anvil in as much as it "serves to press the timing belt 93 downwardly and against the cylinder circumference 97 at the instant that the web is being severed" (Finding of Fact 6). Accordingly, the pulley 102 of Stobb provides counter pressure during the cutting process and, as such, functions in the same manner as, and is equivalent to, the claimed rotating anvil element.

Appellants further argue that "Stobb teaches away from using the pulley as an anvil element, since it purposely places the entire belt 93 between the pulley 102 and the knife 87 to [allegedly] prevent any interaction between the pulley 102 and the knife 87" (Appeal Br. 7). We disagree with Appellants' interpretation of Stobb. Although Stobb teaches placing the timing belt 93 between the pulley 102 and the cutters 87, nowhere in Stobb is there any teaching or suggestion of doing so in order to prevent interaction between the cutters and the pulley. To the contrary, Stobb teaches that pulley 102 is employed to press the timing belt 93 against the circumference 97 of the cylinder 96 at the point that the cutter 87 is to severe the web (Finding of Fact 6). Clearly, the pulley 102 interacts with the cutter

87 as it applies a counter-pressure to the timing belt 93 at the point of contact with the cutter 87. As such, we sustain the Examiner's rejection of claims 1, 5, 7, 12, 15, and 17 under 35 U.S.C. § 102(b).

Appellants argue claim 3 separately. Claim 3, which depends from independent claim 1, further requires that the band-shaped conveying element is a belt guided in a groove formed on the rotating anvil element, a depth of the groove being smaller than a thickness of the band-shaped conveying element. Stobb teaches a timing belt 93, which rotates around pulley 102, acts to convey the web around the cylinder surface and provides counter-pressure for the cutters 87 (Finding of Fact 4-6). The pulley 102 by definition has a groove (Finding of Fact 7). The groove of pulley 102 must have a depth smaller than the thickness of the timing belt 93 in order to provide the required pressure against the belt, because if the pulley had a groove depth greater than the thickness of the timing belt, the pulley would come in contact with the cylinder surface before the belt (Finding of Fact 8). As such, we sustain the Examiner's rejection of claim 3.

Appellants argue claim 4 separately. Claim 4, which depends from claim 3, further requires that the belt is a toothed belt with reinforced sections in regions where the cutting blade interacts with the belt. Appellants argue that the belt 93 of Stobb is made of the same material (Appeal Br. 7). Stobb is silent with regard to the material or materials used to construct the belt 93. The Examiner asserts that "the sections are considered reinforced rubber elements and resistant to cutting by the blade otherwise the invention would fail" (Answer 5). We disagree with the Examiner's conclusion of failure. Figures 6 and 13 of Stobb illustrate that the

timing belts, such as timing belts 66 and 93, include recesses 71 and 94, respectively, for receiving the knife blade or cutter (Finding of Fact 9-10). Nowhere in Stobb is there any teaching or suggestion of reinforcing those sections (i.e., adjacent recesses 71 and 94) of the timing belts configured to receive the blade or cutter. Although it may be advantageous to reinforce the timing belts in those areas where the belt is to receive the knife or cutter, the Examiner has not provided any evidence that it is necessary to prevent failure. Therefore, reinforcement of the timing belts does not necessarily flow from the teachings of Stobb (Finding of Fact 12). As such, we do not sustain the Examiner's rejection of claim 4 under 35 U.S.C. § 102(b) as anticipated by Stobb.

Appellants argue claim 6 separately. Claim 6 depends from claim 4. As such, we do not sustain the Examiner's rejection of claim 6 under 35 U.S.C. § 102(b) for the same reasons set forth *supra* with regard to claim 4.

Appellants argue claim 13 separately. Claim 13, which depends from claim 12, further requires that the rotating band-shaped conveying element is manufactured over its entire length from a material resistant to damage by the cutting blade, and a further rotating band-shaped conveying element (introduced in claim 12) is manufactured from a non-resistant material. Appellants argue that there is "no indication anywhere in Stobb that belt 93 is made of a material different from that of the further conveying element, irrespective of whether the belt 93 is made of a cut-resistant material or not" (Appeal Br. 8). The Examiner argues that the thickness of the belt 93 at recesses 94 necessarily requires the belt to be made of a resistant material, whereas the other belts do not require such a

resistant material because they do not experience the same pressure from cutting blades (Answer 6). We agree with Appellants. Although it may be advantageous to make the timing belts, such as belt 93, from a resistant material, it does not necessarily flow from the teachings of Stobb. As such, we do not sustain the Examiner's rejection of claim 13 under 35 U.S.C. § 102(b).

Appellants argue claim 16 separately. Claim 16, which depends from claim 1, further requires that the rotating band-shaped conveying element is passed around the rotating anvil element via deflection pulleys such that the rotating band-shaped conveying element is guided on and in contact with the perimeter of the cylinder over a predetermined angular range before a point of interaction of the cutting blade and the anvil element. Stobb teaches that the timing belt 93 is trained on three pulleys such that the belt is pressed against the cylinder surface, extending across the circumference on opposite sides of the location of the cutter 87 (Finding of Fact 5). Appellants argue that the pulleys of Stobb are not deflection pulleys (Appeal Br. 8-9). However, Appellants have provided no evidence to support that the pulleys, upon which the timing belt 93 is trained, are not deflection pulleys. As such, we sustain the Examiner's rejection of claim 16 under 35 U.S.C. § 102(b).

Appellants argue claim 18 separately. Claim 18, which depends from claim 1, further requires that the rotating anvil element includes a cutting rubber element. Appellants argue that Stobb fails to disclose a cutting rubber element as claimed. Stobb does not teach that the pulley 102 includes a rubber cutting element as claimed (Appeal Br. 9). The Examiner fails to address this limitation. As such, we do not sustain the Examiner's rejection of claim 18 under 35 U.S.C. § 102(b).

Appellants argue claim 19 separately. Claim 19, which depends from claim 1, further requires that the rotating anvil element includes a grooved strip. Appellants argue that Stobb fails to disclose a grooved strip as claimed (Appeal Br. 9). Stobb does not teach that the pulley 102 includes a grooved strip as claimed. The Examiner fails to address this limitation. As such, we do not sustain the Examiner's rejection of claim 19 under 35 U.S.C. § 102(b).

REJECTION OF CLAIMS 9-11 AND 14 UNDER
35 U.S.C. §103(A) AS UNPATENTABLE OVER STOBB

Appellants argue claims 9 and 11 as a separate group. We select claim 9 as a representative claim, and claim 11 thus stands or falls with claim 9. 37 C.F.R. § 41.37(c)(1)(vii) (2006).

Claim 9, which depends from claim 1, further requires that the rotating conveying element rotate at a reduced speed in relation to the signature transport surface such that a gap is formed between the cutting blade and a leading edge of the material web after the cutting operation. In rejecting claim 9, the Examiner asserts that it would have been obvious to one skilled in the art to "modify the speeds of the relevant operating parts in order to create spacing between products to allow for downstream processing as desired" (Answer 5). Appellants argue that the proposed modification "appears not to be possible or desirable with Stobb, as the belt 93 appears to need to move at the same speed as the cylinder" (Appeal Br. 9). We disagree.

In an embodiment of Stobb, the conveyors 43 are operated at a speed faster than the speed of the web at the location of contact with the drums (Finding of Fact

11). Although, this is not the embodiment illustrated in Figure 12 of Stobb, it provides evidence that Stobb's system could be modified as suggested. Accordingly, we find the Appellants' conclusory statement regarding what Stobb *appears* to teach unpersuasive. As such, we sustain the Examiner's rejection of claims 9 and 11 under 35 U.S.C. § 103(a).

Appellants argue claim 10 separately. Claim 10, which depends from claim 9, further requires that the cylinder includes a leading-edge gripping device. Appellants argue that there is no motivation to modify the teachings of Stobb to include a leading-edge gripping device because "the fan 88 delivers the severed sections" (Appeal Br. 10). In rejecting claim 10, the Examiner asserts that it would have been obvious to one skilled in the art to modify the speed of the rotating elements in order to create spacing between products (Answer 5). However, the Examiner fails to address the claimed leading-edge gripping device. Therefore, the Examiner failed to establish a *prima facie* case of obvious regarding the limitations of claim 10. As such, we do not sustain the Examiner's rejection of claim 10.

Claim 14, which depends from claim 12, further requires that the further rotating band-shaped conveying element has a length at least twice as long as the length of the rotating band-shaped conveying element. In rejecting claim 12, the Examiner asserts that "it would have been an obvious matter of design choice…to increase the length of the further conveying device" (Answer 4). Appellants have not presented any arguments to the contrary. As such, we sustain the Examiner's rejection of claim 14 under 35 U.S.C. § 103(a).

REJECTION OF CLAIMS 2 AND 8 UNDER 35 U.S.C. §103(A) AS UNPATENTABLE OVER STOBB AND MOTOOKA

Appellants argue claim 2 separately. Claim 2, which depends from claim 1, further requires that the cylinder is a folding blade cylinder. Appellants argue that "the element 25 identified as a folding blade in the final office action is not a cutter as asserted" (Appeal Br. 10). We disagree. Motooka discloses a folding blade cylinder 23 which includes a second cutter device 25 (Findings of Fact 14-16). As such, we sustain the Examiner's rejection of claim 2 under 35 U.S.C. § 103(a).

Claim 8, which depends from claim 7, further requires the cutting element is covered by a protection and clamping device on both sides. In rejecting claim 8, the Examiner asserts it would have been obvious to one skilled in the art "to include the teachings of Motooka in the invention of Stobb in order to perform a folding operation" (Answer 4). Appellants have not presented any arguments to the contrary. As such, we sustain the Examiner's rejection of claim 8 under 35 U.S.C. § 103(a).

CONCLUSIONS OF LAW

We conclude:

1) Appellants have not shown that the Examiner erred in rejecting claims 1, 3, 5, 7, 12, and 15-17 under 35 U.S.C. § 102(b) as anticipated by Stobb.
2) The Examiner erred in rejecting claims 4, 6, 13, 18, and 19 under 35 U.S.C. § 102(b) as anticipated by Stobb.

3) Appellants have not shown that the Examiner erred in rejecting claims 9, 11, and 14 under 35 U.S.C § 103(a) as unpatentable over Stobb.
4) The Examiner erred in rejecting claim 10 under 35 U.S.C. § 103(a) as unpatentable over Stobb.
5) Appellants have not shown that the Examiner erred in rejecting claims 2 and 8 under 35 U.S.C. § 103(a) as unpatentable over Stobb and Motooka.

DECISION

The Examiner's rejection of claims 1, 3, 5, 7, 12, and 15-17 as anticipated by Stobb is sustained, rejection of claims 4, 6, 13, 18, and 19 as anticipated by Stobb is reversed, rejection of claims 9, 11, and 14 as unpatentable over Stobb is sustained, rejection of claim 10 as unpatentable over Stobb is reversed, rejection of claims 2 and 8 as unpatentable over Stobb and Motooka is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2006).

AFFIRMED-IN-PART

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