UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRUCE H. HANSON and MICHAEL WISNIEWSKI

Appeal 2008-2403
Application 10/630,940
Technology Center 3600

Decided: November 25, 2008

Before LINDA E. HORNER, JOHN C. KERINS, and
STEVEN D.A. MCCARTHY, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Bruce H. Hanson and Michael Wisniewski (Appellants) seek our review under 35 U.S.C. § 134 of the final rejection of claims 1-23. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We REVERSE.

THE INVENTION

The Appellants' claimed invention is to a sequencing system and method for increasing machine capacity and throughput of mail pieces such as packages, flats, mixed mail and the like (Spec. 6:17-20). Claim 1, reproduced below, is representative of the subject matter on appeal.

> 1. A system for sequencing products, comprising:
>
> a plurality of input feeding devices each randomly receiving product from a stream of product;
>
> a plurality of output groups each having a plurality of output bins; and
>
> a control system having a mode which constrains the input feeding devices to (i) feeding non-rejected product to output bins of assigned output groups of the plurality of output groups associated with a corresponding one of the plurality of input feeding devices, and (ii) feeding rejected product to at least one output bin of the plurality of output bins in a single group accessible to any of the plurality of input feeders.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

De Leo	US 6,107,588	Aug. 22, 2000
Walach	US 6,274,836 B1	Aug. 14, 2001
DeWitt	US 2002/0104782 A1	Aug. 8, 2002

The Appellants seek our review of the following rejections made by the Examiner:

1. Claims 1-23 are rejected under 35 U.S.C. § 103(a) as unpatentable over De Leo and DeWitt.
2. Claims 1-23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Walach and DeWitt.

ISSUE

The Appellants contend that DeWitt discloses a single input feeding device with a corresponding output bin and does not disclose any embodiment in which "any of a plurality of feeding devices can feed rejected product to at least one output bin of the plurality of output bins in a single group accessible to any of the plurality of input feeders." App. Br. 8. The Examiner found that "De Witt discloses (ii) feeding rejected product to at least one output bin (250) of the plurality of output bins in a single group accessible to any of the plurality of input feeders (460) for the purpose of separating items which have been misread or partially read from those that have been properly processed (para. 105)." Ans. 3.

The issue before us is:

Have the Appellants shown that the Examiner erred in finding that DeWitt discloses a plurality of feeding devices that can feed rejected product to at least one output bin in a single group accessible to any of the plurality of input feeders?

FINDINGS OF FACT

We find that the following enumerated findings are supported by at least a preponderance of the evidence. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Office).

1. DeWitt discloses a system and method for extracting, re-ordering, re-orienting, imaging, and sorting remittance transactions. DeWitt 1:¶0002.
2. DeWitt discloses a fully-automated embodiment, as depicted in Figures 1-18, and a semi-automated embodiment, as depicted in Figures 19-22. DeWitt 3:¶¶0018-0045 and 16:¶¶0156, 0157.
3. The fully-automated embodiment includes an imaging section 200 that includes a reject bin 250. DeWitt, Fig. 14.
4. DeWitt discloses that a magnetic ink character recognition ("MICR") character reader 220 magnetically reads the MICR line on checks. DeWitt also discloses that it may be desirable to use an imaging reader to verify the results from the MICR character reader 220, and if there is a mismatch between the optically read

MICR line and the results from the MICR character reader 220, the documents from that transaction are directed to the reject bin 250. DeWitt 9-10:¶¶0097-0098.

5. DeWitt further discloses that if the documents are out of order, i.e., check/invoice order rather than invoice/check order, then the documents in the transaction are directed to the reject bin 250. DeWitt: 6:¶0069.

6. The semi-automated embodiment includes a plurality of drop chutes 460 and an imaging device 480 that scans the document to obtain image data relating to the documents. DeWitt: 16:¶0159.

7. DeWitt discloses that "[f]rom the imaging device, the documents are conveyed to one or more output bins 490." DeWitt 16:¶0159.

8. DeWitt further discloses:

> The imaging device 480 scans the image of each document and transfers the image data to the controller 415. If a MICR module is included, the MICR line on each check is identified and decoded. Then, if desired, a printer prints information on each document, such as the batch number and the sequential document number identifying each document in the batch. The documents are then conveyed to a plurality of output bins 495, and if desired, a plurality of gates 496 sorts the documents into the different bins according to document-type or transaction-type.

DeWitt 19:¶0192.

9. DeWitt does not disclose that the imaging device 480 of the semi-automated embodiment includes a reject bin or is able to access

reject bin 250 of the fully-automated embodiment and does not disclose, for example, using an imaging reader to verify the results from an MICR character reader 220 such that mismatches would be sent to a reject bin, as in the fully-automated embodiment described above.

10. Thus, DeWitt does not disclose feeding rejected product to at least one output bin 250 of a plurality of output bins in a single group accessible to any of a plurality of input feeders 460.

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992); *see also In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984). "Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) where in evidence, so-called secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). *See also KSR*, 127 S. Ct. at 1734 ("While the

sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.")

ANALYSIS

The Examiner's rejection of claims 1-23 is based on the combination of the teachings of De Leo or Walach in view of DeWitt. Independent claim 1 is directed to a system for sequencing products that includes "a control system having a mode which constrains the input feed devices to … (ii) feeding rejected product to at least one output bin of the plurality of output bins in a single group accessible to any of the plurality of input feeders." Independent claim 15 is directed to a method of sequencing product that includes the step of "feeding, in the second pass phase, rejected product of the plurality of product to an output bin common and accessible to any of the input devices." Independent claim 21 is also to a system for sequencing products that includes "means for permitting, in the second pass phase, rejected product of the plurality of product to an output bin common and accessible to any of the feeding means."

As noted by the Examiner, neither De Leo nor Walach discloses feeding rejected product to at least one output bin of the plurality of output bins in a single group accessible to any of the plurality of input feeders, as required in claims 1, 15, and 21. Ans. 3, 10-11. The Examiner relied on DeWitt for this teaching and found that DeWitt's drop chutes 460 are capable of accessing its reject bin 250. Ans. 3, 11. We disagree with this finding by the Examiner. DeWitt does not disclose that the reject bin 250 of

the first, fully-automated embodiment of DeWitt, is accessible to the drop chutes 460 of the second, semi-automated embodiment of DeWitt (Facts 9-10). Thus, the Examiner erred in rejecting claims 1, 15, and 21, and their respective dependent claims 2-14, 16-20 and 22-23, as unpatentable over De Leo or Walach in view of DeWitt.

CONCLUSION

We conclude that the Appellants have demonstrated error in the Examiner's finding that DeWitt discloses a plurality of feeding devices that can feed rejected product to at least one output bin in a single group accessible to any of the plurality of input feeders.

DECISION

The decision of the Examiner to reject claims 1-23 is reversed.

REVERSED

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