

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KAZUHIKO SAKURAI and KAZUO YOKOYAMA

Appeal No. 1998-3066
Application No. 08/444,517

HEARD: February 7, 2001

Before KRASS, JERRY SMITH and BARRETT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-9, all of the pending claims.

The invention is directed to a printing system for printing requests from plural terminals.

Independent claim 1 is reproduced as follows:

1. A printer comprising:

a print execution unit for printing on predetermined paper; and

a control unit for controlling the operation of said print execution unit,

wherein said control unit controls the operation of said print execution unit in response to an external print request to perform a printing operation,

wherein said control unit includes plural logical printers each of which performs a virtual printing processing corresponding to plural jobs, and

wherein said control unit controls the operation of said print execution unit when each of said logical printers has completed a virtual printing operation for one page, thus printing actually data for the page.

The examiner relies on the following references:

Mitsubishi	5,274,461	Dec. 28, 1993
Padalino et al. (Padalino)	5,299,296	Mar. 29, 1994
Boswell	5,559,933	Sep. 24, 1996 (filed Apr. 22, 1994)

Claims 1-9 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner cites Boswell and Mitsubishi with regard to claims 1, 3-6, 8 and 9, adding Padalino to this combination with regard to claims 2 and 7.

Reference is made to the briefs and answer for the respective positions of

appellants and the examiner.

OPINION

At the outset, we note that, in accordance with appellants' grouping of the claims, at page 3 of the principal brief, all claims will stand or fall together. Accordingly, we focus on independent claim 1.

It is the examiner's position that Boswell discloses the claimed subject matter but for a printer having a print execution unit and a control unit for controlling operations. The examiner relies on Mitsuhashi, pointing to Figure 3, items 21, 22 and 25, for a teaching of a printing unit including a control unit for controlling operations and an execution unit for executing printing requests. In the examiner's view, the conclusion of obviousness of the claimed subject matter is reached by determining that the skilled artisan would have recognized

the desirability to incorporate the logical printers as taught by Boswell within the control unit of Mitsuhashi, in order to allow a single printer to support multiple emulations (i.e. page description languages) by receiving data from different sources using different data formats, thereby reducing the cost of a network printing system by having a printer(s) capable of printing in different emulations [sic] modes [answer-page 4].

Appellants' position is that the instant invention differs from the prior art in that the claimed invention "uses a page as a unit, while the prior art uses an entire

Appeal No. 1998-3066
Application No. 08/444,517

job as a unit” [principal brief-page 3] so that the instant invention can print out a page of one job followed by a page from a second job and print out another page of the first job, with the pages separating into respective jobs as they print. In contrast, contend appellants, the prior art prints out an entire document before starting another document.

Appellants state that the claim 1 limitation of

said control unit controls the operation of said print execution unit when each of said logical printers has completed a virtual printing operation for one page, thus printing actually data for the page

makes it clear that a page is used as a unit, rather than an entire job, distinguishing over the prior art. Appellants also point out that if the solution to the prior art problem now seems abundantly clear, it is because of appellants’ recognition of the problem.

The examiner does not dispute that neither Boswell nor Mitsuhashi discloses a system which intermixes the pages of two or more documents or that neither uses a page as a job, but instead, uses the entire document as a job. Thus, there is no dispute that the applied prior art must first finish printing an entire first document before

a second job can be printed. The dispute is in the interpretation of the instant claim language. The examiner contends that the limitations argued by appellants form no part of the instant claims.

Appeal No. 1998-3066
Application No. 08/444,517

It is true that instant independent claim 1 does not explicitly mention anything about using a page as a job or intermixing the pages of two or more documents. However, the claim does recite that operation of the print execution unit is controlled “when each of said logical printers has completed a virtual printing operation for one page, thus printing actually data for the page.” While, perhaps, not as explicit as the claim language could be, we hold that this claim language does require an actual printing of a page as soon as a logical printer completes a virtual printing of that page. Accordingly, the page that is printed at any given time may be from different documents dependent on which of the plural logical printers has completed a virtual printing operation at that time. Thus, there is an intermixing of pages printed from different documents. In the case of two logical printers vying for the attention of the single actual printer, after the data from one page of one of the logical printers is completely actually printed out, the data from a page of the other logical printer is printed out on the actual printer before a next page of data from the first logical printer is actually printed out. Therefore, claim 1 does require an intermixing of pages from two or more documents, as argued by appellants.

The examiner’s decision rejecting claims 1-9 under 35 U.S.C. § 103 is reversed.

Appeal No. 1998-3066
Application No. 08/444,517

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
)	
)	
JERRY SMITH)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
LEE E. BARRETT)	
Administrative Patent Judge)	

eak/vsh

Appeal No. 1998-3066
Application No. 08/444,517

STAAS & HALSEY
700 ELEVENTH STREET, NW
SUITE 500
WASHINGTON, DC 20001