

The opinion in support of the decision being entered today was **not** written for publication and is **not** precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** EDWARD L. SCHLUETER, JR.,  
JOSEPH MAMMINO and  
EDWARD F. BOWLER, JR.

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Appeal No. 2000-0835  
Application No. 09/056,945

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ON BRIEF

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Before URYNOWICZ, LALL and BLANKENSHIP, **Administrative Patent Judges.**

URYNOWICZ **Administrative Patent Judge.**

Decision on Appeal

This appeal is from the final rejection of claims 1-9.

The invention pertains to a fuser for use in printing apparatus. Claim 1 is illustrative and reads as follows:

1. A fuser member for use in an electrostatographic printing machine, comprising:

(a) a substrate layer including a base material and a first thermally conductive additive, wherein the base

material comprises a plurality of fibers or a polymeric film; and

(b) an outer toner release layer, which contacts a toner image, including an elastomeric material and a second thermally conductive additive, wherein the fuser member is an endless belt that has a thickness ranging from about 3 to about 20 mils.

The references relied upon by the examiner are:

Uehara et al. (Uehara)	5,345,300	Sep. 06, 1994
Wayman et al. (Wayman)	5,450,182	Sep. 12, 1995

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wayman in view of Uehara.

The respective positions of the examiner and the appellants with regard to the propriety of this rejection are set forth in the examiner's answer (Paper No. 13) and the appellants' brief (Paper No. 12).

#### Appellants' Invention

The invention is described at page 2 of the answer.

#### The Prior Art

The references are described at pages 3 and 4 of the answer.

#### Opinion

After consideration of the positions and arguments presented by both the examiner and the appellants, we have concluded that the rejection should not be sustained.

At page 5 of the answer, the examiner states that,

Therefore, it is submitted that one having ordinary skill in the art would be motivated by the disclosure of Wayman et al ('182), noted supra, to add even more thermally conductive materials to the belt-shaped fuser member of Wayman et al ('182) if they (sic) wanted to increase the thermal conductivity that is already inherent in said disclosed belt-shaped fuser member noted supra.

The above quotation of the examiner does not state a motivation or suggestion to add thermally conductive material to the layer 64 of fuser 52 of Wayman. There is no explanation in the examiner's statement as to why one of ordinary skill in the art would have wanted to increase the thermal conductivity of Wayman's fuser. For example, there is no evidence that Wayman's printing apparatus suffers from overheating, such that the artisan would have added more thermally conductive material to the fuser to dissipate heat therefrom at a faster rate.

However, even if there were some given motivation or suggestion to add thermally conductive material to the fuser 52, the added thermally conductive materials would most likely have been added to layer 66, which Wayman discloses as containing thermally conductive materials, not to layer 64 which does not contain such material.

Lastly, it is evident from Wayman's disclosure (column 8, lines 8-17) with respect to Figure 3 that the amount of heat generated by the printing apparatus is directly dependent on the

resistance (170 ohms/square) of those portions 61 and 62 of the layer 64 of the fuser 52 between rollers 56, 58 and 60. Portions 61 and 62 comprise fusing zone 72. It appears that one of ordinary skill in the art would not have added thermally conductive material to layer 64 of the fuser, because by doing so one would have significantly changed the resistance and the heat generating characteristics of the portions 61 and 62 of the fusing zone.

REVERSED

STANLEY M. URYNOWICZ, JR. )  
Administrative Patent Judge )  
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) BOARD OF PATENT  
) APPEALS AND  
PARSHOTAM S. LALL ) INTERFERENCES  
Administrative Patent Judge )  
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)  
HOWARD B. BLANKENSHIP )  
Administrative Patent Judge )

STU/sld

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