

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY W. KASSMANN

Appeal No. 2001-0954
Application No. 08/977,193

ON BRIEF

Before HAIRSTON, GROSS, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 19.

The disclosed invention relates to a facsimile user profile stored in the memory of a printing system that defines the manner in which a portion of an incoming facsimile document is to be processed by the printing system.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A printing system, with a memory and a plurality of document processing related subsystems, for processing a facsimile document with an image data set, the printing system including a printing subsystem communicating with an input device, by way of a network, so that one or more prints are producible from the image data set when the image data set is transmitted from the input device to the printing subsystem, comprising:

a) a facsimile user profile, stored in the memory of the printing system, including one or more attribute sets with each attribute set, along with a corresponding set of attribute values, defining a manner in which a portion of the facsimile document is to be processed at the printing subsystem;

b) a facsimile processing subsystem for reading the facsimile user profile; and

c) a controller, cooperating with the facsimile processing subsystem, for determining whether the document processing related subsystem defined by the one or more attribute sets of the facsimile user profile and by the corresponding attribute values is enabled to process the portion of the facsimile document, wherein the portion of the facsimile document is processed with the defined document processing related subsystem when it is determined that the defined document processing related subsystem is enabled.

The references relied on by the examiner are:

Baehr	5,644,685	Jul. 1, 1997
Austin et al. (Austin)	5,689,625	Nov. 18, 1997
Imai et al. (Imai)	5,828,466	Oct. 27, 1998
		(filed Nov. 14, 1995)
Yoshiura et al. (Yoshiura)	5,854,693	Dec. 29, 1998
		(filed Jan. 7, 1997)

Appeal No. 2001-0954
Application No. 08/977,193

Claims 1, 7 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Austin.

Claims 2 through 6, 8 through 12, 14, 15, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Austin in view of Yoshiura.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Austin in view of Baehr.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Austin in view of Yoshiura and Imai.

Reference is made to the briefs (paper numbers 11 and 13) and the answer (paper number 12) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the obviousness rejection of claims 1 through 12, 14, 15 and 17 through 19. The obviousness rejection of claims 13 and 16 is reversed.

We agree with the appellant's finding (brief, pages 7 and 8) that Austin discloses the "use of a 'user profile' to direct distribution of a single document to multiple services such as printers and facsimile machines located within a network . . ." and "to enable the job [to] be processed in a manner likely to be

desired." On the other hand, we agree with the examiner (answer, page 4) that Austin has a facsimile user profile to process a facsimile image in light of Austin's teaching "to use the user profile and attribute to control how the image is processed "

Appellant argues (brief, page 9) that "the invention of Austin is concerned with the *distribution* or outgoing delivery of a facsimile message whereas the present invention is concerned with printing or other processing of a received or incoming facsimile document." Stated differently, appellant seeks to limit the user profile in Austin "to the sending of a document, not the receiving of a fax" (reply brief, page 4). Appellant's arguments to the contrary notwithstanding, an incoming facsimile document from the client is sent via the network in Austin (Figure 13), and the facsimile is then processed in accordance with the attributes of the user profile. Nothing in the claims on appeal precludes the distribution of the facsimile document by the distribution agent to the facsimile printing subsystem (Figure 13). The user profile in Austin is, therefore, "at the receiving end of a facsimile message" (brief, page 10). Thus, the obviousness rejection of claims 1, 7 and 17 is sustained.

Appeal No. 2001-0954
Application No. 08/977,193

Turning next to the obviousness rejection of claims 2 through 6, 8 through 12, 14, 15, 18 and 19, appellant's argument (brief, pages 11 and 12) that Yoshiura is not analogous art is without merit in view of appellant's admission (brief, page 11) that Yoshiura "has fax capability." As indicated supra, Austin was relied on by the examiner for "management of a facsimile document on the *receiving* end of a fax transmission" (brief, page 11). Accordingly, the obviousness rejection of claims 2 through 6, 8 through 12, 14, 15, 18 and 19¹ is sustained because the examiner did not have to resort to impermissible hindsight to demonstrate the obviousness of these claims.

With respect to claim 16, appellant argues (brief, pages 14 and 15) that "Baehr teaches the use of a banner page for selection of an output tray that should receive a print job related to a particular user . . . , " whereas "claim 16 teaches that a banner page can be a portion of a facsimile print job and that processing of the facsimile banner page may require special processing or finishing operations." We agree. The obviousness rejection of claim 16 is reversed.

¹ Appellant's arguments (brief, pages 11 through 13) were directed to the claims as a group.

Appeal No. 2001-0954
Application No. 08/977,193

Turning lastly to claim 13, appellant argues (brief, pages 13 and 14) that "the paper color detector in Imai is used in coordination with an 'ink remaining' function to determine if enough ink resides in the system to print . . . , " whereas "the present invention of claim 13 requires a first and second paper tray to be loaded with different color paper and that when a facsimile user profile includes a specification of paper color for fax output, that the paper tray containing the specified color be enabled." We agree. The obviousness rejection of claim 13 is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 19 under 35 U.S.C. § 103(a) is affirmed as to claims 1 through 12, 14, 15 and 17 through 19, and is reversed as to claims 13 and 16. Accordingly, the decision of the examiner is affirmed-in-part.

Appeal No. 2001-0954
Application No. 08/977,193

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ANITA PELLMAN GROSS)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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HOWARD B. BLANKENSHIP)	
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KWH:hh

Appeal No. 2001-0954
Application No. 08/977,193

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