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THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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 PERTTI HEITTO, VESA JUNTILA,
ERKKI KIISKILA and TARMO SULANDER

MAILED

JUL 11 1996

Appeal No. 94-2686
Application 07/710,071¹

**PAT.&T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

ON BRIEF

Before TURNER, PAK and WARREN, Administrative Patent Judges.

WARREN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the decision of the examiner finally rejecting claims 1 through 17. Claim 1 is illustrative of the invention encompassed by the claims on appeal:

¹ Application for patent filed June 4, 1991.

1. A mill for the processing and production of wood pulp, comprising:

a single, integral structure defining a unitarily-covered space substantially bounding and enclosing the mill;

a main control station for overall monitoring and control of pulp processing operations in the mill, said control station being disposed substantially centrally within said covered space; and

a plurality of processing stations at which various respective pulp processing operations substantially sequentially take place, said plural processing stations being disposed within said covered space and radially outwardly from said main control station, individual ones of said processing stations being arranged and located in said space relative to others of said processing stations so that as the pulp undergoes said sequential processing operations at said plural processing stations the pulp proceeds substantially circumferentially about said main control station between and among said individual processing stations in said unitarily-covered space.

The appealed claims as represented by claim 1² are drawn to a wood pulp mill substantially contained in a unitarily-covered space within which the main control station is substantially centrally located with the operational processing stations disposed radially outward from said main control station and in processing sequence such that the pulp proceeds substantially circumferentially about said main control station.

² Appellants in the brief specified that the claims in each of two groups stand or fall together and provided reasons why each group of claims is separately patentable. 37 CFR § 1.192(c)(5)(1993).

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The examiner has relied on the admitted prior art at page 2 of the specification as well as on the following reference:

Hamada et al. (Hamada) 4,674,181 June 23, 1987

Appellants have relied on the following reference cited in their brief:³

Snook, *Handbook For Pulp & Paper Technologists*, pp. 173-178 (Joint Executive Committee of the Vocational Education Committees of the Pulp and Paper Industry, Canada 1989).

The examiner has rejected claims 1 through 17 on appeal under 35 U.S.C. § 103 as being unpatentable over the admitted prior art in appellants' specification in view of Hamada. We reverse.

Rather than reiterate the respective positions advanced by the examiner and appellants we refer to the examiner's and to appellants' brief for a complete exposition thereof.

Opinion

Based on the record before us, we are constrained to reverse the examiner's rejection as stated in his answer. The examiner has relied on appellant's acknowledgment in their specification that the processing operations and auxiliary operations or subprocesses used in the production of wood pulp are known in the art.⁴ The specification on page 2 also states that these processing operations are "physically spaced apart and scattered" while appellants in their brief allege that⁵

³ We have made this reference of record (PTO-892).

⁴ Answer, page 3.

⁵ Brief, page 2.

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Prior art pulp mills have, since their inception, been constructed and arranged in one and only one way -- with the individual processing stations disposed in respective separate structures or buildings spaced apart by relatively large distances.

In the absence of a challenge by the examiner, we accept appellants' description of a pulp mill as the state of the art. It is thus apparent that the difference between the claimed invention and the prior art is one of arrangement of process operations.

We find that Hamada is merely one of a legion of references evincing that one of ordinary skill in the engineering arts of process and plant design would have been motivated to address the efficiency of operations, including space utilization, regardless of product produced. Thus, this reference is analogous prior art in this case. However, there the applicability of Hamada ends.

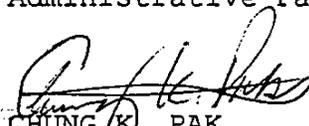
We cannot conclude that one of ordinary skill in this art would have been motivated by Hamada to reconfigure the apparently time honored configuration of a pulp mill to that encompassed by the appealed claims taken as a whole. Hamada address an entirely different problem involving continuous switching of production line capabilities to accommodate different products rather than the continuous production of the same product, such as pulp from cellulosic substrates. Thus, Hamada in combination with apparent wood pulp mill prior art would not have reasonably suggested the claimed invention as a whole to one of ordinary skill in this art. And, indeed, the application of the production process strategy of Hamada to a pulp mill would simply not result in the

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solution represented in the appealed claims. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1050-54, 5 USPQ2d 1434, 1438-41 (Fed. Cir. 1988).

The examiner's decision is reversed.

Reversed

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VINCENT D. TURNER)	
Administrative Patent Judge)	
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CHUNG K. PAK)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
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CHARLES F. WARREN)	
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