

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(2) is not binding precedent of the Board.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. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte GEORGE A. CHARNITSKI, ROBERT H. MELINO,
STEPHEN C. CORONA and JAMES D. REES

Appeal No. 95-2333
Application 07/981,919¹

ON BRIEF

Before KRASS, JERRY SMITH and CARMICHAEL, ***Administrative
Patent Judges.***

CARMICHAEL, ***Administrative Patent Judge.***

DECISION ON APPEAL

¹ Application for patent filed November 23, 1992.
According to appellants, this application is a continuation of
Application 07/779,655 filed October 21, 1991.

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This is an appeal from the final rejection of claims 1, 3, and 6-8. The other remaining claims, claims 5 and 9, were allowed by the examiner.

Claim 1 reads as follows:

1. In a printer system, a line exposure apparatus for creating line images on a photoreceptor moving in a process direction comprising:

at least one image print bar including a linear array of light emitting diodes (LEDs), each of said LEDs having an individual light output when pulsed, and a linear gradient index lens array having a center portion and a first and second end portion, for focusing light outputs from said LEDs to form said line images with an active write length onto said photoreceptor, and

means for deforming each said lens array by applying at least a force F in a direction perpendicular to a surface of the lens array to change said active write length by a distance X .

The examiner's Answer cites admitted prior art and the following references:

Dannatt	4,427,284	Jan. 24,
1984		
Harrigan et al. (Harrigan)	4,589,736	May 20,
1986		
Hegg	4,904,049	Feb. 27,
1990		

OPINION

Claims 1, 3, and 6-8 stand rejected under 35 U.S.C.

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§ 103 as unpatentable over admitted prior art in view of
Dannatt, Harrigan, and Hegg.

Appellants' specification describes admitted prior
art shown in Figure 1.

The examiner finds the admitted prior art discloses
all of the claimed subject matter except the aspects involving
deforming the lens array. The examiner further finds that
Dannatt discloses those aspects. Still further, the examiner
finds that Dannatt suggested deforming the linear gradient
index lens array in the admitted prior art for the purpose
disclosed by Dannatt of modifying the linearity of an emitted
swath of light without disturbing the focal adjustment.

Examiner's Answer at

4-5.

Appellants argue that Dannatt is non-analogous art.
Even if Dannatt were analogous art, appellants argue, Dannatt
seeks to improve focus and width characteristics of a scan
line and does not suggest improving the write length on a
photoreceptor surface by applying force to a linear lens
array. Appeal Brief at 11-13.

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We agree with the examiner's findings and adopt them as our own.

A reference is analogous art if it is the same field of endeavor or is reasonably pertinent to the particular problem with which the inventor was involved. *In re Deminski*, 796 F.2d 436, 442, 230 USPQ 313, 315 (Fed. Cir. 1986). In the present case, applicants' field of endeavor is optical imaging and printing. Specification at 1. Dannatt's field of endeavor is the same, optical imaging and printing. Column 1, lines 5-10. Thus, Dannatt satisfies the first prong of the test for analogous art.

The particular problem with which the inventor was involved was improving the accuracy of optically transmitted images. Specification at 2. Dannatt is reasonably pertinent to that problem. Column 1, lines 50-64. Thus, Dannatt satisfies the second prong of the test for analogous art.

With respect to combining teachings in an obviousness determination, the mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*,

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972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992). In the present case, we find that the prior art suggested the desirability of the modification.

The admitted prior art is a printer system with LED arrays for illuminating line images. Dannatt teaches applying a force perpendicular to a side surface of a lens array, deforming the lens array in order to modify linearity of a swath of light in an optical printing system without disturbing the focal adjustment. We find that Dannatt suggested deforming the linear gradient index lens array in the admitted prior art for the purpose disclosed by Dannatt of modifying the linearity of an emitted swath of light without disturbing the focal adjustment. We further find that in modifying linearity of the transmitted light, Dannatt changes the length of the transmitted image line. Column 1, lines 54-58; Figure 3. Thus, Dannatt suggested deforming the linear gradient index lens array in the admitted prior art so as to change the active write length as claimed.

Dannatt states that his invention is applicable to any flexible lens including virtually any plastic lens. Column 3, lines 1-5. We recognize that the lens array of

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Dannatt's preferred embodiment focuses light on an original document to be copied, column 2, lines 51-55, whereas the admitted prior art lens array focuses light on a photosensitive medium, Specification at 1-2. Nonetheless, we find that Dannatt's suggestion, of deforming the lens array in order to modify linearity of a swath of light without disturbing the focal adjustment, would have been seen by the skilled artisan as applicable to the lens array in the admitted prior art.

Therefore, we will affirm the rejection.

The Harrigan and Hegg references, although not necessary to our decision, provide additional evidence of obviousness. We adopt the examiner's treatment of these references.

CONCLUSION

The rejection of Claims 1, 3, and 6-8 is affirmed.

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

AFFIRMED

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ERROL A. KRASS)	
Administrative Patent Judge)	
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