

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WOJCIECH M. CHROSNY,
and KHOSROW EGHTESEADI

Appeal No. 96-0327
Application 07/961,795¹

ON BRIEF

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

LEE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1, 10-14 and 20-25. Claims 8 and 9 have been canceled. Claims 2-7, 15-19, and 26-27 have been objected to as containing allowable subject matter but depending from a rejected claim.

References relied on by the Examiner

¹ Application for patent filed October 16, 1992. Assigned to Pitney Bowes Inc.

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Chang et al. (Chang) Patent No. 4,933,616 June 12, 1990

The Rejections on Appeal

Claims 1, 10-14 and 20-25 stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by Chang.

The Invention

The invention is directed to a method and apparatus for a sheet processing system. The independent claims are claims 1, 14 and 24. which are reproduced below:

1. A sheet processing system, comprising:

a) sheet handling apparatus, said apparatus including a first input for input of a control signal for determining the rate at which said apparatus processes sheets;

b) a sheet feeder for input of sheets to said apparatus, said feeder producing a signal during input of a sheet characteristic of said sheet;

c) means responsive to said characteristic signal and connected to said first input for generating said control signal in accordance with said characteristic signal so that the processing rate of said apparatus is reduced if said sheet is likely to jam in said apparatus.

14. A method for controlling a sheet handling apparatus to reduce jams, comprising the steps of:

a) monitoring a signal produced during input of a sheet, said signal being characteristic of said sheet;

b) generating a control signal for controlling the processing rate of said apparatus in response to said characteristic signal so that the processing rate is reduced if said sheet is likely to jam in said apparatus.

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24. A sheet processing system, comprising:

a) sheet handling apparatus, said apparatus including a first input for input of a control signal for determining the rate at which said apparatus processes sheets;

b) a sheet feeder for input of sheets to said apparatus, said feeder producing a signal during input of a sheet characteristic of said sheet;

c) means responsive to said characteristic signal and connected to said first input for generating said control signal in accordance with said characteristic signal.

Opinion

We affirm the rejection of claims 1, 10-14, 20, 21 and 23-25. We reverse the rejection of claim 22.

Our opinion is based solely on the arguments made by the appellants in the appeal brief. Arguments which could have been raised but which are not before us, are not at issue and are considered waived.

The rejection of claim 22 as being anticipated by Chang is summarily reversed. Claim 22 depends from claim 18 which has been indicated as containing allowable subject matter but dependent from a rejected claim. Thus, no proper basis exists for rejecting claim 22. Rather, on this record, it should be objected to, like claim 18, as containing allowable subject matter but dependent from a rejected claim, i.e., claim 1.

The appellants argue that while the claimed invention requires a control signal for determining the rate of processing of the sheet processing apparatus, Chang discloses only a method for measuring the speed of a mail piece. The argument is erroneous and misplaced. Chang discloses (bottom of column 5 to the top of column 6) that upon arrival of the leading edge of an envelope to the second speed sensor 68, the microcomputer estimates the mail speed and determines the new conveyor IN-SPEED for the mailing machine 10, and also determines the new PEAK-DRUM-SPEED of the mailing machine relative to the new IN-SPEED. In lines 46-52 of column 6, Chang further discloses that as the leading edge of an envelope arrives at the start slowdown point (Q), the microcomputer sets the conveyor GOAL SPEED to equal to the computed desired PEAK-DRUM-SPEED and sets variables to ramp down conveyor stepper motor 24 of the transport system 20 in mailing machine 10. Accordingly, it is clear that the transport system 20 in the mailing machine 10 is caused to slow down in response to the detected mail speed when an envelope gets sufficiently close to the print drum of the mailing machine. Chang does not simply measure or estimate

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the incoming mail speed. Rather, real events and activities occur in response to the detecting of the incoming mail speed.

The incoming speed of an envelope is characteristic of the incoming envelope, given the appellants' disclosure in their own specification (page 3, line 38 to page 4, line 7) that the motor drive current of sheet feeder 20 is the preferred source of characteristic signals of the incoming sheets. Motor drive currents reflect the speed of the feeder 20. Accordingly, Chang does disclose the production of a signal characteristic of the incoming sheets.

Finally, the appellants argue that while the claimed invention slows down the sheet processing speed if the sheet is likely to jam in the apparatus, Chang slows down the processing speed after a jam has already occurred, citing column 6, lines 11-17, of Chang. However, a reasonable reading of Chang reveals that the cited portion describes only a further feature for handling the occurrence of a jam and not the ordinary operations of the mailing machine.

The cited portion immediately follows the introduction of a "mail jam timeout counter," and the rest of column 6's description, beginning on line 19, appears to describe the

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regular operations of the mailing machine. In lines 46-52, it is described that the conveyor is set to a GOAL SPEED equal to the PEAK-DRUM-SPEED (print drum slew speed) when the envelope arrives at the start slowdown point (Q). See also the flowchart illustrated in Chang's Figure 8B. It is clear that the slowdown is a built-in stage for processing and is initiated even when no jam has been detected. Also, it is implicit that the slowdown of the conveyor speed to match the print drum slew speed is to avoid a jam that would be caused by conveyor 20's running faster than the printing station 70 can print. Here, the conveyor speed represents the processing rate of the sheet processing apparatus.

The appellants refer to parts of the flow chart shown in Figure 13. But Figure 13 is only a "shut down" subroutine which includes procedures for clearing a jam by moving the mailing machine conveyor very slowly. That is not inconsistent with slowing down the conveyor speed to match the PEAK-DRUM-SPEED of the printing assembly during ordinary processing without a jam.

Accordingly, the appellants' argument is without merit. The appellants may not ignore those portions which anticipate

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the claimed invention and recognize only a feature of Chang which does not involve the appellants' claimed invention. Moreover, it should be noted that the appellants' independent claim 24 states nothing with regard to slowing down the processing if a sheet is likely to jam. With respect to claims 24 and 25, the appellants' argument is not commensurate in scope with what has been claimed.

For the foregoing reasons, we sustain the rejection of claims 1, 10-14, 20, 21 and 23-25 as being anticipated by Chang.

Conclusion

The rejection of claims 1, 10-14, 20, 21, and 23-25 under 35 U.S.C. § 102(b) as being anticipated by Chang is affirmed.

The rejection of claim 22 under 35 U.S.C. § 102(b) as being anticipated by Chang is reversed.

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

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Administrative Patent Judge)	
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JERRY SMITH)	
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