

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAKAO AKIYAMA

Appeal No. 1997-0509
Application 08/314,131¹

ON BRIEF

Before JERRY SMITH, LALL and GROSS, Administrative Patent Judges.

LALL, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final² rejection of Claims 5 to 19, other

¹ Application for patent filed September 28, 1994.

² An amendment after the final rejection was filed [paper no. 7] and was entered in the record for the purposes of this

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claims having been canceled.

The disclosed invention is directed to a printing apparatus having a memory management system and to a memory management method which randomly changes the layout of data and usage of a READ/WRITE memory in the printing apparatus. The invention resides in an improved memory management system and method for a printer which enables the user to install customized symbols and graphic characters and which maximizes the use of available memory without the need for any increase in the storage capacity of the memory. The invention is further illustrated by the following claim.

Representative claim 5 is reproduced as follows:

5. A printing apparatus comprising:

printing means for performing a plurality of printing operations;

a memory for storing printing data; and

control means for controlling the plurality of printing operations performed by the printing means in accordance with a predetermined control program, the control means being connected to the memory and having memory management means for randomly dividing the memory means into a plurality of memory blocks, for randomly and exchangeably assigning a usage to

appeal [paper no. 8], even though the face of the amendment shows "not entered".

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each of the memory blocks in accordance with a plurality of predetermined user applications, and for storing printing data corresponding to the respective predetermined user applications to the respective memory blocks.

The Examiner relies on the following reference:

Toyokura	5,335,316	Aug. 2, 1994 (filed Apr. 22, 1992)
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Claims 5 to 19 stand rejected under 35 U.S.C. § 102 as being

anticipated by Toyokura.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the briefs³ and the answer for the respective details thereof.

OPINION

We have considered the rejections advanced by the Examiner and the supporting arguments. We have, likewise, reviewed Appellant's arguments set forth in the briefs. It is our view that claims 5 to 19 are anticipated by Toyokura.

In our analysis, we are guided by the precedence of our reviewing court that the limitations from the disclosure are not to be imported into the claims. In re Lundberg, 244 F.2d

³ A reply brief was filed [paper no. 14] and was entered in the record without any further response by the Examiner [paper no. 15].

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543, 113 USPQ 530 (CCPA 1957); In re Queener, 796 F.2d 461, 230 USPQ 438 (Fed. Cir. 1986). We are also mindful, however, that anticipation under 35 U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention. See RCA Corp. v. Applied Digital Data Sys., Inc., 730

F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984), cert. dismissed, 468 U.S. 1228 (1984). Furthermore, only those arguments actually made by Appellant have been considered in making this decision. Arguments which Appellant could have made but chose not to make in the briefs have not been considered [37 CFR § 1.192(a)].

Rejection of claims 5 to 19 under 35 U.S.C. § 102

These claims are rejected as being anticipated by Toyokura. We first take independent claim 5. We have evaluated the positions of the Examiner [final rejection, pages 3 to 4 and answer, pages 2 to 3] and Appellant [brief, pages 8 to 13 and reply brief, pages 2 to 5]. We agree with the Examiner that Toyokura does anticipate the invention as

claimed in claim 5 for the following reasons. Appellant argues that "claims 5 and 16 recite that the multiple blocks of the printer memory may each be used to store character data or program data corresponding to multiple user applications or programs." [Brief, page 10]. Again, at page 12 of the brief, Appellant reiterates that "[i]n accordance with this explicitly recited structure (claim 5) and method (claim 16), user-defined character data and/or graphic data may be selectively downloaded from a host computer for use in the divided print memory, thereby obviating the need for memory expansion." However, as the Examiner points out, this feature does not appear in claim 5. In fact, claim 5, in pertinent part, calls for "assigning a usage to each of the memory blocks ... blocks." Toyokura, figure 1B, does disclose the assignment to each of the memory blocks (0 thru 7), a usage, such as of storing of characters A, B and C depending on an application being run. Furthermore, a plurality of applications can be run on a computer, including Toyokura's, one at a time, and the results of each particular application can be printed by using the printer of Toyokura. Claim 5 does not call for the different applications being run

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simultaneously and the printer being used simultaneously for more than one application. Thus, the arguments made by Appellant are not commensurate with the features claimed in claim 5.

Furthermore, Appellant argues that the claims should be interpreted to read on the specific structure disclosed in the specification, citing In re Donaldson, 16 F.3d 1189, 1194, 29 USPQ 1845, 1849 [brief, pages 13 to 14]. However, Appellant has not specifically spelled out what particular means in the claims correspond to the specific disclosed structure, and how that structure differs from Toyokura's disclosure. Absent that, we agree with the Examiner's interpretation of the claims as given by the Examiner's position above.

The dependent claims 6 through 15 are elected to be grouped with claim 5 [brief, page 8] and not argued separately. Therefore, we sustain the anticipation rejection of claims 5 through 15.

Regarding the other independent claim 16, this is a method claim corresponding to the apparatus claim 5 discussed above. The Examiner, as well as Appellant, have argued claim 16 in the same manner as claim 5. Consequently, we need to

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add nothing further. Furthermore, once again, dependent claims 17 through 19 are elected to be grouped with claim 16 [brief, page 8] and not argued separately. Therefore, we also sustain the anticipation rejection of claims 16 through 19 for the same reasons as claim 5.

In summary, we have affirmed the Examiner's rejection of claims 5 through 19 under 35 U.S.C. § 102 as being anticipated by Toyokura.

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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JERRY SMITH)	
Administrative Patent Judge)	
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PARSHOTAM S. LALL)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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)	
ANITA PELLMAN GROSS))
Administrative Patent Judge)	

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