

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 34

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAHIRO UTSUMI, KUNJI OKAZAKI,
SHINJI KAWASAKI, and SHINICHI TANAKA

Appeal No. 1997-4018
Application No. 08/668,716

ON BRIEF¹

Before THOMAS, RUGGIERO, and GROSS, Administrative Patent Judges.

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 13 through 27, which are all of the claims pending in this application.

¹ We observe that on December 29, 1999 (paper no. 33), appellants filed a waiver of the oral hearing set for January 10, 2000.

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Appellants' invention relates to a facsimile machine connected to a computer via an exclusive line and also to a remote facsimile machine via a telephone line. Claim 13 is illustrative of the claimed invention, and it reads as follows:

13. A facsimile machine, comprising:

means for scanning an image on a document,

means for storing image data associated with the scanned image,

means for printing the stored image data,

a telephone line for connecting the facsimile machine to a remote facsimile machine,

an exclusive line for connecting the facsimile machine to a computer and through which digital signals are directly deliverable to the facsimile machine from the computer,

means for transmitting image data between the facsimile machine and the remote facsimile machine based on a standard facsimile transmission procedure, the image data comprising at least one of image data received from the computer and stored in a memory and image data scanned by a scanner and stored in a memory,

means for receiving an instruction command from the computer,

means for transmitting image data between the facsimile machine and the computer based on an instruction command received from the computer,

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in support of the rejections, and to appellants' Brief (Paper No. 26, filed May 29, 1997), Supplemental Brief (Paper No. 31, filed October 6, 1999) and Reply Brief (Paper No. 28, filed October 23, 1997) for appellants' arguments thereagainst.

OPINION

As a preliminary matter we note that claims 13 and 27 are the only independent claims before us. Claim 27 is directed to a communication system including a computer and the identical facsimile machine recited in claim 13. Accordingly, we will limit our discussion to claim 13, the broadest claim.

We have carefully considered the claims, the applied prior art reference, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 13 through 27.

Appellants have two primary arguments against the obviousness of claim 13 over Lin. First, appellants contend (Brief, pages 11-16) that Lin does not teach or suggest interposing a facsimile machine between a computer and a remote facsimile machine. Second, appellants assert (Brief, pages 17-20) that Lin does not teach or suggest both a

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telephone line to connect the local and remote facsimile machines and also an exclusive line between the local facsimile machine and the computer.

As to the first argument, Lin states (column 12, lines 14-25) that the communication between the local and remote fax machines is rare because the computer is "directly communicable with the remote fax machines. . . . However, with the two functions of (E)[fax machine to central office], and (F)[central office to fax machine], if the computer has trouble, the fax machine can still work independently to communicate with the remote facsimile stations." If the computer has difficulty communicating directly with the remote fax machine, and the local fax machine is to make the communication, the computer must instruct the local fax machine as to the desired correspondence. Accordingly, Lin actually does suggest the interposition of a facsimile machine between the computer and a remote facsimile machine, albeit only under certain circumstances.

Regarding the second argument, however, we find no suggestion of an exclusive line between the local fax machine and the computer. In Lin's system, communication between the

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computer and either the local fax machine or the remote fax machine goes through switching/simulating unit (1), with no "exclusive line" between the computer and the local fax machine (see Figures 1, 2, and 7).

The examiner asserts (Answer, page 7) that an additional line is required to allow the facsimile machine to receive and transmit under the control of the computer. However, we see no reason why an exclusive line between the computer and the fax machine would be required. Further, the examiner points to Lin's statement in the abstract (Answer, page 5) that "the interface can also be used exclusively to interconnected [sic] the computer (3) and the fax machine (2)," (reference numerals added) for a suggestion of an exclusive line. The examiner's position apparently relies on Lin's use of the word "exclusively" in describing the interface's interconnection of the computer and the fax machine. However, the entire disclosure describes the interface as selectively connecting the computer to either the local or the remote fax machine. Accordingly, the interface cannot be considered an exclusive line between the computer and the local fax machine, nor is there any suggestion to include one. Therefore, the examiner

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has failed to establish a prima facie case of obviousness, and we cannot sustain the rejection of claim 13 and its dependents, claims 14-26. Additionally, since claim 27 includes all of the limitations of claim 13, the rejection thereof also must be reversed.

CONCLUSION

The decision of the examiner rejecting claims 13 through 27 under 35 U.S.C. § 103 is reversed.

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REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
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)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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LOEB & LOEB
10100 SANTA MONICA BOULEVARD SUITE 2200
LOS ANGELES, CA 90067-4164