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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ROBERT M. YRACEBURU, STEVE O. RASMUSSEN, and  
STEPHEN McNALLY

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Appeal 2010-009953  
Application 11/717,936  
Technology Center 3600

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Before STEFAN STAICOVICI, LYNNE H. BROWNE, and  
SCOTT E. KAMHOLZ, *Administrative Patent Judges*.

STAICOVICI, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF THE CASE

Robert M. Yraceburu et al. (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's decision finally rejecting under 35 U.S.C. § 102(b) claims 1-16 and 20 as anticipated by Yamamoto (US 4,861,017, iss. Aug. 29, 1989) and claims 14, 17, and 19 as anticipated by Yukimachi (US 6,467,765 B2, iss. Oct. 22, 2002).<sup>1,2</sup> We have jurisdiction over this appeal under 35 U.S.C. § 6.

## THE INVENTION

Appellants' invention relates to a system and method for "controlling a media pick arm with a motorized carriage." Spec. 3, para. [009].

Claims 1 and 8 are illustrative of the claimed invention and read as follows:

1. An apparatus, comprising:  
a pick assembly that engages media during a print operation;  
a carriage connected to the pick assembly; and  
a motor that moves the carriage in a horizontal direction with respect to the media and the pick assembly in a vertical direction toward the media to a media picking position upon receiving notification of the print operation and moves the carriage in the

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<sup>1</sup> Claim 18 is objected to by the Examiner as being dependent upon a rejected base claim and otherwise indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Final Rejection, mailed July 17, 2009, at 8. Claim 18 is not part of the instant appeal.

<sup>2</sup> We assume the Examiner did not repeat the rejection of claim 1 under 35 U.S.C. 112, second paragraph, as being indefinite, because the After Final Amendment, filed October 16, 2009 was entered by the Examiner and rendered the rejection moot. *See* Advisory Action, mailed March 19, 2010. Accordingly, for the purpose of this appeal, we assume that the rejection of claim 1 under 35 U.S.C. 112, second paragraph, as being indefinite, has been withdrawn.

horizontal direction and the pick assembly in the vertical direction away from the media picking position upon completing the print operation.

8. A method, comprising:
  - moving a carriage in a horizontal direction with respect to media with an actuator to a media pick position upon receiving notification to start a print or copy operation;
  - moving a pick assembly in a vertical direction with respect to the media to lower the pick assembly and engage the media while the carriage is moving in the horizontal direction to the media pick position; and
  - moving the carriage in the horizontal direction with the actuator away from the media pick position upon completing the print or copy operation.

## SUMMARY OF DECISION

We AFFIRM.

## ANALYSIS

*The anticipation rejection based upon Yamamoto*

*Claims 1, 3-5, 7-11, 13, 14, 16, and 20*

Independent claims 1 and 14 require, *inter alia*, a motor that moves a carriage in a horizontal direction and a pick assembly in a vertical direction either toward and away from the media, as per claim 1, or to engage and disengage the media, as per claim 14. Similarly, independent claim 8 requires, *inter alia*, moving a carriage in a horizontal direction and moving a pick assembly in a vertical direction toward and away from the media. Br., Claims App'x.

The Examiner found that Yamamoto teaches a paper-feeding device including a pick assembly R3, 71, 69, 68, 76, 67 for engaging media during

a print operation; a carriage 78 connected to the pick assembly, and a motor for moving the carriage and the pick assembly, as called for by each of independent claims 1, 8, and 14. Ans. 3 (citing to Yamamoto, col. 5, ll. 35-68 and col. 6, ll. 17-37). According to the Examiner, because Yamamoto's carriage and pick assembly "both pivot to engage and disengage the media sheets" and pivoting motion includes a horizontal and a vertical displacement, Yamamoto's motor moves the carriage and pick assembly as called for by independent claims 1 and 14. Final Rejection, mailed July 17, 2009, at 9-10.

Pointing to Figure 3 of Yamamoto, Appellants note that, "oscillating plate 78 raises and lowers to cause a roller (R3) to lower and engage media." Br. 12; *see also* Br. 13 and 14. Thus, according to Appellants, because in Yamamoto "both the oscillating plate 78 and roller R3 move vertically," Yamamoto fails to disclose that "plate 78 moves horizontally." Br. 11; *see also* Br. 13 and 14. Appellants conclude that Yamamoto's "roller R3 (i.e., argued as the claimed 'pick assembly') does not move in a vertical direction while the oscillating plate 78 (i.e., argued as the claimed 'carriage') moves in a horizontal direction." Br. 13.

Although the claims are interpreted in light of the Specification, limitations from the Specification are not read into the claims. We must be careful not to read a particular embodiment appearing in the written description into the claim if the claim language is broader than the embodiment. *See Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004). In this case, we agree with the Examiner that the language of independent claims 1, 8, and 14 does not preclude "the carriage and the pick assembly from *both* moving horizontally and vertically." Ans.

9, 14, and 19. Emphasis added. We agree with the Examiner that in Yamamoto, feeding roller R3 (pick assembly) and plate 78 (carriage) both pivot about shaft 67. Ans. 9-12, 14-17, and 19-22; *see also* Yamamoto, col. 5, ll. 68 and figs. 3 and 4. We further agree with the Examiner that pivoting motion includes a horizontal and a vertical displacement. Ans. 12, 17, and 22. Hence, because both feeding roller R3 (pick assembly) and plate 78 (carriage) pivot about shaft 67, we agree with the Examiner that Yamamoto teaches moving a carriage in a horizontal direction and a pick assembly in vertical direction, as called for by each of independent claims 1, 8, and 14. Ans. 13; *see also* Ans. 18 and 23 and Final Rejection at 9-10.

Thus, for the foregoing reasons, we sustain the rejection of independent claims 1, 8, and 14 under 35 U.S.C. § 102(b) as anticipated by Yamamoto. Since Appellants do not present any other argument with respect to the rejection of dependent claims 3-5, 7, 9-11, 13, 16, and 20, we also sustain the rejection of these claims as anticipated by Yamamoto.

#### *Claims 2 and 15*

The Examiner found that Yamamoto teaches a roller follower 63 and a ramp 62 for guiding roller follower 63 along a path as carriage 78 moves. Ans. 3 (*citing* to Yamamoto, col. 5, ll. 5-17 and col. 6, ll. 1-16).

Appellants argue that, “[e]lement 62 in Yamamoto is an engaging plate, not a ramp” and does not guide follower 63, as called for by each of claims 2 and 15. Br. 14.

Claims are to be given their broadest reasonable interpretation consistent with the specification. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). An ordinary and customary meaning of

the term “ramp” is “a sloping way or plane.” MERRIAM WEBSTER’S COLLEGIATE DICTIONARY (10<sup>th</sup> Ed. 1997). Thus, because element 62 has a sloping surface and element 63 of Yamamoto engages element 62, we agree with the Examiner that element 62 constitutes a “ramp” and element 63 constitutes a “roller follower,” as called for by claims 2 and 15. *See* Ans. 3. Thus, we sustain the rejection of claims 2 and 15 under 35 U.S.C. § 102(b) as anticipated by Yamamoto.

#### *Claim 6*

Appellants argue that oscillating plate 78 (carriage) of Yamamoto “is not moving toward a front sidewall of the media tray,” as called for by claim 6, but rather “is moving upward (i.e., being raised).” Br. 15.

For the reasons set forth *supra* we find that plate 78 (carriage) of Yamamoto pivots about shaft 67. *See* Yamamoto, fig. 4. As such, we agree with the Examiner that, “as carriage 78 is pivoted clockwise by the motor . . . an end of the carriage [moves] closer to the front sidewall of the media tray (right side wall; Fig. 4).” Accordingly, we sustain the rejection of claim 6 as anticipated by Yamamoto.

#### *Claim 12*

Appellants argue that Yamamoto does not teach, “moving with an actuator the carriage to and from the media pick position to reduce a force needed to open and close a media tray that contains the media.” Br. 15.

The Examiner takes the position that because “Yamamoto’s disclosed carriage is capable of performing the claimed function i.e. moving to and from the media pick position, Yamamoto anticipates the claimed intended

use language of ‘to reduce a force needed to open and close a media tray.’”  
Ans. 25.

At the outset, we agree with the Examiner that an actuator (*i.e.*, movement of cams and gears during the paper feeding operation; *see* Yamamoto, col. 6, ll. 1-43) moves carriage 78 of Yamamoto with respect to the media pick position. This is sufficient to establish a *prima facie* case that movement of Yamamoto’s carriage 78, like Appellants’ “carriage,” reduces the force needed to open and close a media tray that contains the media, so as to shift the burden to Appellants to show that it is not so. *See In re King*, 801 F.2d 1324, 1327 (Fed. Cir. 1986). Appellants have not come forth with any evidence to satisfy that burden. Thus, we likewise sustain the rejection of claim 12 as anticipated by Yamamoto.

*The anticipation rejection based upon Yukimachi*

Independent claim 14 requires, *inter alia*, a motor that moves a carriage in a horizontal direction and a pick assembly in a vertical direction to engage and disengage the media. Br., Claims App’x.

The Examiner found that Yukimachi teaches a sheet feeding device including a pick assembly 1a, 1b; a carriage 3a, 3b or 2a, 2b; and a motor for moving the carriage and the pick assembly, as called for independent claim 14. Ans. 8 (citing to Yukimachi, fig. 2).

Appellants argue that the motor of Yukimachi “does not horizontally move the rod and vertically move the rollers as recited in claim 14.” Br. 16.

Once more we agree with the Examiner that the language of independent claim 14 does not preclude “the carriage and the pick assembly from *both* moving horizontally and vertically.” Ans. 26. Emphasis added.

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We further agree with the Examiner that because both carriage 3a, 3b or 2a, 2b and pick assembly 1a, 1b pivot (which motion includes both horizontal and vertical displacement), motor M of Yukimachi moves carriage 3a, 3b or 2a, 2b horizontally with respect to media P and moves pick assembly 1a, 1b vertically with respect to media P and is capable of engaging and disengaging the media when moved vertically. Ans. 26-28; *see also* Yukimachi, col. 5, l. 31 through col. 6, l. 6 and figs. 1 and 2.

Thus, for the foregoing reasons, we sustain the rejection of independent claim 14 under 35 U.S.C. § 102(b) as anticipated by Yukimachi. Since Appellants do not present any other argument with respect to the rejection of dependent claims 17 and 19, we also sustain the rejection of these claims as anticipated by Yukimachi.

#### SUMMARY

The Examiner's decision to reject claims 1-17, 19, and 20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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