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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL
AND APPEAL BOARD

Ex parte JUSSI KANGAS, VILHO NISSINEN, PETRI PAIVA, and
PETRI PALOVIITA

Appeal 2011-013710
Application 11/791,936
Technology Center 1700

Before RICHARD TORCZON, PETER F. KRATZ, and
MICHAEL P. COLAIANNI, *Administrative Patent Judges*.

COLAIANNI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 the final rejection of claims 2-5, 7-16, and 18-67. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

We AFFIRM.

Appellants' invention is directed to a method and apparatus for processing a fiber web by spreading a size mixture, a coating or a processing mixture on a board web (Spec. 1:3-6).

Claim 33 is illustrative:

33. A method for processing a paper or board web or similar fibre web comprising:

leading a web to be processed from a last cylinder of a dryer-cylinder group to a press nip formed between two moving surfaces;

spreading size or pigment mixture on at least one surface of the web between the last cylinder of the dryer-cylinder group and the press nip using nozzles so that the size or pigment mixture is wet when it enters the press nip; and

pressing the size or pigment mixture into the web in the press nip.

Appellants appeal the following rejections (Supp. App. Br. 4):

1. Claims 2-4, 8, 10-12, 14, 15, 18, 19, 23-25, 27-29, 31, 33, 37, 39, 41, 51, 55, 57, 59, and 66 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Winheim '305 (US 4,946,101, issued Aug. 7, 1990) in view of Johnson (US 5,378,497, issued Jan. 3, 1995).
2. Claims 5, 7-12, 14, 15, 19-22, 15-29, 31, 33, 35-42, 50, 51, 53-60, 66, and 67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koivukunnas (US 5,483,873, issued Jan. 16, 1996) in view of Winheim '101 (US 4,946,101, issued Aug. 7, 1990), J. Peel (*Paper Science & Paper Manufacture*, 90 (1999)) and Johnson (US 5,378,497, issued Jan. 3, 1995).
3. Claims 5, 20, 34, and 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koivukunnas in view of Winheim '101, J. Peel, Johnson, and Kuosa (US 6,264,792 B1, issued Jul. 24, 2001).

Regarding rejections (1) and (2), Appellants argue the features common to claims 33 and 51 (Supp. App. Br. 4-8). Regarding rejection (3), Appellants argue that claims 5, 20, 34 and 52 recite limitations not taught or suggested by the combination of prior art (Supp. App. Br. 9). However, this argument merely amounts to arguing what claims 5, 20, 24, and 52 recite without any specific argument regarding the Examiner's findings or conclusions regarding the claims. 37 CFR § 41.37(c)(1)(vii) (2011). Accordingly, we do not find that claims 5, 20, 24, and 52 are separately argued and the claims will stand or fall with our analysis regarding claims 33 and 51, from which these claims ultimately depend.

The Examiner's Answer includes the following rejections not specifically further contested by Appellants:

4. Claims 5 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Winheim '305 in view of Johnson, and Linnonmaa (US 6,758,135 B2, issued Jul. 6, 2004).
5. Claims 7, 21, 22, and 67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Winheim '305 in view of Johnson, and Winheim '101.
6. Claims 2-4, 18, 23, 24, and 66 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koivukunnas in view of Winheim '101, J. Peel, Johnson, and Winheim '305.
7. Claims 13, 30, 43-49, and 61-65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koivukunnas in view of Winheim '101, J. Peel, Johnson, and Linsuri (US 5,983,787, issued Nov. 16, 1999).

8. Claims 16 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koivukunnas in view of Winheim '101, J. Peel, Johnson, and Bubik (US 5,163,364, issued Nov. 17, 1992).
9. Claims 5, 20, 24, and 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koivukunnas in view of Winheim '101, J. Peel, Johnson and Ampulski (US 5,246,545, issued Sep. 21, 1993).

As Appellants have not further contested the Examiner's rejection of the dependent claims under rejections (4) to (9), we likewise affirm these rejections.

REJECTIONS (1) and (2)

ISSUE

Did the Examiner reversibly err in determining that combined teachings of Kioivukunnas, Winheim '101, Peel, and Johnson, or the combined teachings of Winheim '303 and Johnson would have rendered obvious a method (claim 33) and an apparatus (claim 51) for applying size to a paper web? We decide this issue in the negative.

FINDINGS OF FACT AND ANALYSES

Appellants argue that the applied prior art fails to teach or suggest the following limitation of method claim 33:

spreading size or pigment mixture on at least one surface of the web between the last cylinder of the dryer-cylinder group and the press nip using nozzles so that the size or pigment mixture is wet when it enters the press nip; and pressing the size or pigment mixture into the web in the press nip. (Supp. App. Br. 5, 7).

Appellants argue that the applied prior art fails to teach or suggest the limitation of claim 51 that recites:

spreading elements for spreading a wet size or pigment mixture on at least one surface of the web before the web enters the press nip, the spreading elements being positioned so that the size or pigment mixture spread on the web is wet when the web enters the press nip, the spreading elements comprising nozzles positioned between a last cylinder of a dryer-cylinder group and the press nip. (Supp. App. Br. 6, 8).

Appellants contend that Winheim '303 or' 101, Johnson, or Koivukunnas are related to moisturizing and calendaring a surface of a web and do not disclose applying a size or pigment mixture to the surface of the web and then pressing the size or pigment mixture into the web in the press nip (Supp. App. Br. 5, 7). Appellants contend that "Papermaking Part 3, Finishing" document attached to the Evidence Appendix establishes that moisturizing is different than applying a size or pigment mixture which are used to achieve better surface properties (Supp. App. Br. 5, 8).

The Examiner's findings regarding the combination of Kioivukunnas, Winheim '101, and Johnson, or the combination of Winheim '303 and Johnson may be located on pages 4-5 and 9-12 of the Answer, respectively. The Examiner finds that Winheim '303 or the combination of Kioivukunnas, Winheim '101, and Peel teach coating apparatus having a press nip after a moisturizing step or apparatus, wherein the moisturizing step or apparatus is after dryer operation (Ans. 4-5, 9-11). The Examiner relies on Johnson to teach including sizing agents and pigment mixtures as part of a moisturizing mixture for treating paper webs in order to improve strength and paper surface attributes, such as a brightening and opacifying effect (Ans. 5, 11).

Appellants' arguments fail to show harmful error with the Examiner's findings or reasoning in the obviousness conclusion. Specifically, Appellants never specifically address the Examiner's finding that Johnson teaches adding sizing agents to a moisturizing mixture (Ans. 4). Rather, Appellants erroneously argue that none of the prior art applied, including Johnson, teaches using a sizing agent (Supp. App. Br. 5-6). Moreover, Appellants do not dispute that one of ordinary skill in the art would have combined Johnson's sizing agents or pigment mixtures with Winheim '303's, Koivukunnas' and Winheim '101's moisturizing mixtures to improve the surface characteristics of the paper, such as brightness or opacity as found by the Examiner.

While the Papermaking document attached to the Evidence Appendix may disclose the plasticizing effect of moisture on the fibers of the web, we fail to see how such disclosure undermines the Examiner's combination that teaches adding sizing agents to moisturizing mixtures to plasticize the fibers of a paper web. As the Examiner aptly states, the Examiner's reason for combining the references to arrive at the claimed invention (i.e., brightening and opacifying the paper) need not be the same as Appellants reason for applying a size (i.e., strengthening the paper) (Ans. 20-21).

Regarding apparatus claim 51, Appellants' arguments are directed to the same flawed argument made regarding method claim 33, noted above. On this record, we affirm the Examiner's § 103 rejections.

DECISION

The Examiner's decision is affirmed.

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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).

ORDER
AFFIRMED

kmm