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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RICHARD L. CZERNER

Appeal 2015-004814
Application 14/301,730
Technology Center 2800

Before ADRIENE LEPIANE HANLON, LINDA M. GAUDETTE, and
JENNIFER R. GUPTA, *Administrative Patent Judges*.

GUPTA, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's decision² twice rejecting claims 1–21. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

The subject matter on appeal relates to a printing blanket including a non-extensible backing layer and a relief area which may be mounted in a

¹ Appellant identifies the real party in interest as Day International, Inc. Appeal Brief filed November 5, 2014 (“App. Br.”), 1.

² Non-Final Office Action mailed August 14, 2014 (“Non-Final Act.”).

variety of printing presses using a number of different lockup mechanisms.

Spec. ¶ 2. Claim 1, reproduced below, is illustrative of the claims on appeal.

1. A printing blanket mounted on a blanket cylinder, said blanket cylinder including a gap and a lockup mechanism within said gap;

said printing blanket comprising at least a printable surface ply and a non-extensible backing layer comprising a polymeric material or a reinforcing material which has been impregnated with a polymeric material, said printing blanket having first and second ends inserted into said gap;

wherein at least a portion of said blanket overlying said non-extensible backing layer and spaced inwardly from at least one end of said blanket has been removed or molded to form at least one relief area which extends across substantially the width of the blanket and which is defined by blanket walls on each side;

wherein said at least one relief area is positioned in said gap immediately above said lock-up mechanism; and

wherein said at least one relief area is adapted to permit the blanket to be fitted into said lockup mechanism without a reduction in gauge.

App. Br. (Claims Appendix) 14 (formatting added).

REJECTIONS ON APPEAL

1. Claims 1–12, 14, 15, and 19–21 stand rejected under 35 U.S.C. § 103(a) as obvious over Andrew et al. (US 6,530,321 B2, issued March 11, 2003) in view of Takahashi³ (JP 2003-975,541, published January 28, 2003) (hereinafter “Takahashi”);

³ In our discussion of Takahashi, we refer to Takahashi’s figures as well as an English Abstract of this reference made of record in an Information Disclosure Statement filed July 30, 2014.

2. Claim 13 stands rejected under 35 U.S.C. § 103(a) as obvious over Andrew in view of Takahashi and further in view of Batti et al. (US 6,019,042, issued Feb. 1, 2000); and
3. Claims 16–18 stand rejected under 35 U.S.C. § 103(a) as obvious over Andrew and Takahashi and further in view of Flint et al. (US 2005/0098051 A1, published May 12, 2005) (hereinafter “Flint”).

DISCUSSION

We focus our analysis on representative independent claim 1, which contains the argued limitations common to each of the appealed claims, and the rejection of claim 1 over Andrew in view of Takahashi.

The Examiner finds Andrew teaches all the elements of claim 1 except:

at least a portion of the blanket overlying the backing layer and spaced inwardly from at least one end of the blanket has been removed or molded to form at least one relief area which extends across substantially the width of the blanket and which is defined by blanket walls on each side, so that the relief area is positioned in the gap above the lock-up mechanism and wherein the at least one relief area is adapted to permit the blanket to be fitted into the lockup mechanism without a reduction in gauge.

Non-Final Act. 2–3; *see also* Andrew 4:55–60, 6:24–7:7, 9:42–53; Figs. 2A, 3, 7. In particular, the Examiner principally relies on Figure 7, which is reproduced below.

FIG. 7

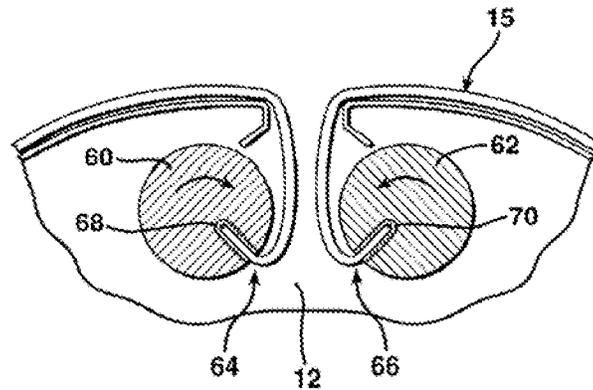
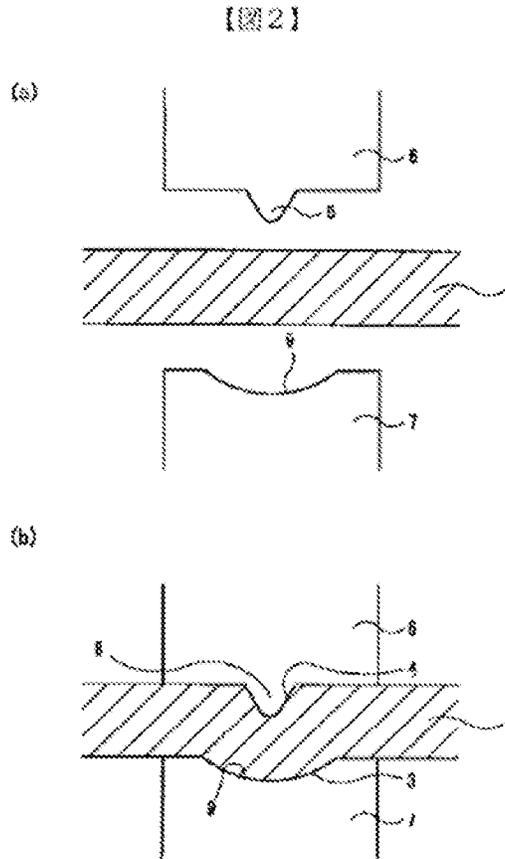


Figure 7 depicts an enlarged schematic side view of an exemplary lock up mechanism for the image transfer blanket.

The Examiner finds Andrew's Figure 7 discloses printing blanket 15 mounted on blanket cylinder 12, blanket cylinder 12 including a gap (the opening on the surface of blanket cylinder 12 where printing blanket 15 enters into the cylinder 12) and lock up mechanism 60, 62, where printing blanket 15 has first and second ends inserted into the gap. Non-Final Act. 2; *see also* Andrew 9:42–53. The Examiner finds that Andrew teaches that printing blanket 15 includes at least printable ply 38 (Andrew 8:35–43) and non-extensible backing layer 20, which comprises polymeric material (*id.* at 4:55–60). Non-Final Act. 2. The Examiner, however, finds that Andrew does not teach a printing blanket having a relief area as described in claim 1. Non-Final Act. 2–3.

The Examiner finds that Takahashi, which teaches a method for folding a metal plate for terminal connectors used for electrical machinery, teaches in Figures 2A and 2B, molding plate 1 to form relief area 8 extending substantially across the width of the blanket and defined by

blanket walls on each side of the relief area. Non-Final Act. 3. Takahashi's Figures 2A and 2B are reproduced below.



Figures 2A and 2B depicts a process of press forming a metal plate.

Appellant argues that Takahashi is non-analogous art, and thus, is not applicable as prior art in support of the Examiner's obviousness rejection. App. Br. 7–8. A reference is analogous prior art if: (1) it is from the same field of endeavor, or (2) if it is reasonably pertinent to the particular problem with which the inventor was involved. *In re Clay*, 966 F.2d 656, 658–59 (Fed. Cir. 1992). “A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which,

because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *Id.* at 659.

Appellant contends that Takahashi is non-analogous art because it is concerned with bending a heat-resistant metal alloy part used in an automotive harness to avoid cracking, while applicant is concerned with being able to mount a printing blanket with a non-extensible backing ply into a variety of printing cylinders having different lockup mechanisms while avoiding a reduction in gauge (i.e., thickness) of the blanket when it is tensioned in the lockup mechanism of a blanket cylinder.

App. Br. 8. Thus, Appellant persuasively argues that Takahashi is neither from the same field of endeavor nor reasonably pertinent to the problem which the inventor is involved. *Id.* at 7.

Even assuming that Takahashi is prior art applicable to claims 1–12, 14, 15, and 19–21, Appellant also persuasively argues that the Examiner reversibly erred in finding that Takahashi teaches or suggests a printing blanket (e.g., the printable surface layer, the compressible layer, and the reinforcing fiber (*see, e.g.*, claim 5)) overlying the non-extensible backing layer having a relief area (formed by removing or molding a portion of the blanket).⁴ App. Br. 9; *see also* Reply Brief filed March 25, 2015 (“Reply Br.”) 4. As Appellants argue, Takahashi does not disclose a plate with multiple layers. Reply Br. 4. Rather, Takahashi teaches forming a notch 4 on the surface of a metal plate 1 (such as Andrew’s base layer 20, which may comprise metal (Andrew 3:20–22, 4:55–60)), where a projecting part 3 on the back surface of the metal plate is projected outwardly in an arc-shape

⁴ Contrary to the Examiner’s implication in the Examiner’s Answer (Ans. 3–4), “removed or molded to form a relief area” describes the structure of the blanket overlying the non-extensible backing layer, and should be given patentable weight.

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corresponding to notch 4. Takahashi Abstract. As such, the evidence does not support the Examiner's determination that a person skilled in the art combining Andrew with Takahashi would have arrived at the invention as recited in claim 1. Therefore, we do not sustain the § 103 rejections of claim 1 or claims 2–21 which depend directly or indirectly therefrom.

DECISION

For the above reasons, the rejections of claims 1–21 are reversed.

REVERSED