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13/013,250	01/25/2011	Robert F. Jessen	8185P114	8401
76073	7590	12/09/2016	EXAMINER	
InfoPrint Solutions/ Blakely 1279 Oakmead Parkway Sunnyvale, CA 94085-4040			GUILLERMETY, FRED	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ROBERT F. JESSEN, PHILIP K. CIHIWSKY,  
DEAN O. MILLER, and JEFFREY A. SIKKINK

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Appeal 2015-006048  
Application 13/013,250  
Technology Center 2600

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Before CAROLYN D. THOMAS, JOHN F. HORVATH, and  
NABEEL U. KHAN, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek review, under 35 U.S.C. § 134(a), of the Examiner's Final Rejection of claims 1, 3–5, 7–15, and 18–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

## SUMMARY OF THE INVENTION

The invention is directed to the management of print jobs by printing systems. Spec. ¶ 1.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A printing system comprising:  
a storage device; and  
a print job manager to store a plurality of received print jobs in the storage device, select a first print job from the plurality of stored print jobs upon detecting that information associated with a machine state of the printing system matches a first predefined criterion, select a second print job from the plurality of stored print jobs upon detecting that a print job data stream object matches a second pre-defined criterion, performing a processing action on the first print job indicated by the first pre-defined criterion and performing a processing action on the second print job indicated by the second pre-defined criterion, wherein the information associated with a machine state is independent of the print job data stream.

## REFERENCES

Salgado	US 6,504,621 B1	Jan. 7, 2003
Nishii	US 2001/0053301 A1	Dec. 20, 2001
Stevens	US 2006/0092433 A1	May 4, 2006
Miyazawa	US 2009/0086270 A1	Apr. 2, 2009
Mitsui	US 2009/0244585 A1	Oct. 1, 2009

## REJECTIONS

Claims 1, 3–5, 10, 12, 14, 15, and 18–20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa and Salgado. Final Act. 3.

Claims 7–9 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa, Salgado, and Nishii. Final Act. 8.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa, Salgado, and Mitsui. Final Act. 9.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Miyazawa, Salgado, and Stevens. Final Act. 10.

### ISSUES AND ANALYSIS

We have reviewed the Examiner’s rejection in light of Appellants’ arguments that the Examiner has erred. We disagree with Appellants’ contentions, and adopt as our own the findings and reasons set forth by the Examiner in the Final Action and the Examiner’s Answer in response to Appellants’ Appeal Brief. We highlight the following for emphasis.

*Claims 1, 3–5, 10, 12, 14, 15, and 18–20*

*Issue 1: Whether Salgado teaches or suggests selecting a first print job upon detecting information associated with a machine state of the printing system matches a first pre-defined criterion, wherein the information associated with the machine state is independent of the print job data stream.*

The Examiner finds Salgado teaches or suggests this limitation by detecting when a memory that is dedicated to holding the contents of a received fax is full, and interrupting a current print job to print the contents of the memory/received fax. Final Act. 3–4; Salgado 15:33–41.

Specifically, the Examiner finds:

A fax job is a type of print job. Printing that fax job in lieu of other jobs that can be printed constitutes “selecting a print job from a plurality of stored print jobs”. That this is done in

response to a threshold of memory capacity constitutes the selection occurring “upon detecting a match of the predefined criterion”. More specifically, the threshold of memory capacity constitutes being “associated with a machine state”.

Ans. 2.

Appellants argue:

[A] process of printing a Fax job upon detecting a condition in which a memory for accommodating Fax Print is exceeded by a preselected threshold . . . is not equivalent to selecting a print job from a plurality of stored print jobs upon detecting a match to a pre-defined criteria. Particularly, printing the contents of a memory upon detecting a condition cannot reasonably be considered equivalent to selecting a print job from among a plurality of print jobs upon detecting a condition.

App. Br. 10. Appellants further argue that because Salgado discloses interrupting another job to instantly print the received fax, “there is no selection of a stored job since the received fax job is instantly printed.”

Reply Br. 3.<sup>1</sup>

We are not persuaded by Appellants’ arguments. Rather, we agree with the Examiner that a fax job is a type of print job since it is ultimately printed. Moreover, the fax job is a stored print job since its contents are stored in the memory prior to printing. Thus, selecting the contents of the stored fax job is “select[ing] a first print job from the plurality of stored print jobs” as required by claim 1. Accordingly, we affirm the Examiner’s rejection of independent claim 1, similarly worded independent claims 14 and 20, and dependent claims 3–5, 10, 12, 15, 18, and 19, not separately argued. *See* App. Br. 11.

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<sup>1</sup> We paginate Appellants’ Reply Brief such that the title page is page 1.

*Claims 7–9, 11, and 13*

Appellants do not argue the patentability of these claims. *See* App. Br. 7–12. Accordingly, we summarily affirm the Examiner’s rejections of these claims. *See Hyatt v. Dudas*, 551 F.3d 1307, 1314 (Fed. Cir. 2008) (“When the appellant fails to contest a ground of rejection to the Board, . . . the Board may treat any argument with respect to that ground of rejection as waived. In the event of such a waiver, the PTO may affirm the rejection of the group of claims that the examiner rejected on that ground without considering the merits of those rejections.”).

DECISION

The Examiner’s rejection of claims 1, 3–5, 10, 12, 14, 15, and 18–20 under 35 U.S.C. § 103(a) as unpatentable over Miyazawa and Salgado is affirmed.

The Examiner’s rejection of claims 7–9 under 35 U.S.C. § 103(a) as unpatentable over Miyazawa, Salgado, and Nishii is affirmed.

The Examiner’s rejection of claim 11 under 35 U.S.C. § 103(a) as unpatentable over Miyazawa, Salgado, and Mitsui is affirmed.

The Examiner’s rejection of claim 13 under 35 U.S.C. § 103(a) as unpatentable over Miyazawa, Salgado, and Stevens 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