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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EHUD CHATOW, STEVEN J. SIMSKE,
and BENJAMIN I. DEMPSTER

Appeal 2015-006658
Application 13/383,566
Technology Center 2600

Before MICHAEL J. STRAUSS, JON M. JURGOVAN, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ seek review under 35 U.S.C. § 134(a) from a final rejection of claims 1–10, 12, 14–17, and 20–24.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.³

¹ Appellants identify Hewlett-Packard Development Company, LLC as the real party in interest. (App. Br. 3.)

² Claims 11, 13, 18, and 19 are canceled.

³ Our Decision refers to the Specification filed Jan. 11, 2012 (“Spec.”), the Final Office Action mailed June 30, 2014 (“Final Act.”), the Appeal Brief filed Dec. 1, 2014 (“App. Br.”), the Examiner’s Answer mailed Apr. 28, 2015 (“Ans.”), and the Reply Brief filed June 29, 2015 (“Reply Br.”).

CLAIMED INVENTION

The claims are directed to a system and method of sorting print jobs for a plurality of print service providers. (Spec. Title.) Claim 1, reproduced below with argued limitation shown in *italics*, is illustrative of the claimed subject matter:

1. A method of sorting print jobs for assignment to a plurality of print service providers, comprising:
 - receiving at a print server a plurality of print jobs having a plurality of print parameters from a plurality of users, wherein individual print jobs have multiple print parameters being represented in a portion of the plurality of print jobs;
 - determining the print parameters of the received print jobs;
 - comparing the print parameters of the received print jobs with each other to determine which of the print parameters are common among the received print jobs;*
 - selecting a prioritization factor;
 - grouping the received print jobs into a plurality of print job groupings according to the common print parameters and the prioritization factor;
 - identifying a plurality of print service providers having at least partially different printing configurations;
 - assigning each grouping to a print service provider of the plurality of print service providers; and
 - sending each of the plurality of print job groupings to the assigned print service provider.

(App. Br. 20 – Claims App’x.)

REJECTIONS

Claims 1–10, 12, 14–17, and 20–24 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. (Final Act. 5–6.) However, this rejection was withdrawn in the Answer, and is thus no longer before us on appeal. (Ans. 17.)

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Claims 1–4, 8, 9, 16, 21, 23, and 24 stand rejected under 35 U.S.C. § 103(a) based on Rai et al. (US 2007/0019228 A1, publ. Jan. 25, 2007) and Harmon et al. (US 2007/0236725 A1, publ. Oct. 11, 2007). (Final Act. 7–13.)

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) based on Rai, Harmon, and Chiarabini et al. (US 2002/0026379 A1, publ. Feb. 28, 2002). (Final Act. 13–14.)

Claim 7 stands rejected under 35 U.S.C. § 103(a) based on Rai, Harmon, Chiarabini, and Nakanishi et al. (US 2005/0147440 A1, publ. July 7, 2005). (Final Act. 14–15.)

Claims 10 and 17 stand rejected under 35 U.S.C. § 103(a) based on Rai, Harmon, and Mima (US 2006/0039707 A1, publ. Feb. 23, 2006). (Final Act. 15.)

Claim 22 stands rejected under 35 U.S.C. § 103(a) based on Rai, Harmon, and Katano (US 2010/0265529 A1, publ. Oct. 21, 2010). (Final Act. 16.)

Claims 12, 14, and 15 stand rejected under 35 U.S.C. § 103(a) based on Gonzalez et al. (US 2002/0019786 A1, publ. Feb. 14, 2002) and Harmon. (Final Act. 17–19.)

Claim 20 stands rejected under 35 U.S.C. § 103(a) based on Gonzalez, Harmon, and Mima. (Final Act. 19–20.)

ANALYSIS

*Rejections under 35 U.S.C. § 103(a)
Claims 1, 12, and 16*

Claim 1 recites “comparing the print parameters of the received print jobs with each other to determine which of the print parameters are common among the received print jobs.” (App. Br. 20 – Claims App’x.) Claims 12 and 16 recite similar limitations. (App. Br. 22–24 – Claims App’x.)

‘Print parameters’ are described in the Specification as desired printing characteristics, such as print media, inks, and coatings. (Spec. 3.) According to the Specification, ‘print parameters’ also include additional printing needs, such as the time to completion of a print job or the overall print cost. (*Id.*) In the claimed invention, the common print parameters resulting from the comparing are used to group similar print jobs together. (*See, e.g.*, claims 1, 12, and 16, Spec. 3–4.)

Appellants contend the argued claim limitation is not disclosed by Harmon, the reference upon which the Examiner relies to show this feature. (App. Br. 10–12 citing Harmon ¶¶ 62, 63, Fig. 9 [S901], Reply Br. 5–6, 10.) Specifically, Appellants contend Harmon’s system compares the received print job *to grouping criteria* selected by the user, and argue this is not the same as comparing the received print jobs *to each other* to determine which parameters are common among them, as recited in the claimed invention. (*Id.*)

We agree with Appellants’ argument. As Appellants contend, the cited parts of Harmon describe that particular job parameters are selected to define grouping criteria. (Harmon ¶ 63, Fig. 9 [S904]). Incoming print jobs are compared with the selected grouping criteria, and thus not to each other,

in order to group the received print jobs. (*Id.*) The Examiner provides insufficient evidence to support the finding that job parameters of different print jobs are compared with one another in Harmon. (*See* Ans. 17–19 citing Harmon ¶¶ 62, 63.) Moreover, the Examiner provides insufficient evidence to support the conclusion that the claimed limitation is inherent or implied by Harmon. (*See* Ans. 18, MPEP § 2112.) Accordingly, on this record, we do not sustain the Examiner’s rejection.

Our decision on this argument is dispositive of the appeal. Therefore, in the interests of expediency and economical use of Board resources, we do not address Appellants’ remaining arguments.

Remaining Claims

The remaining claims depend from claims 1, 12, and 16 and thus incorporate their limitations. For the stated reasons, we do not sustain the rejection of the remaining claims.

DECISION

We reverse the rejections of claims 1–10, 12, 14–17, and 20–24 under 35 U.S.C. § 103(a).

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).

REVERSED