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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LAURENT PIZOT, LOREN D. CHAPPLE, TENG CHAI LIM,
HEAN KOON KOAY, and K. S. VENUGOPAL

Appeal 2015-007970
Application 13/882,749
Technology Center 2600

Before ROBERT E. NAPPI, JENNIFER L. McKEOWN, and
STEVEN M. AMUNDSON *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1 through 14, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

The invention is directed to a method for use of a scanner connected to a network. *See* paragraph 7 Appellants' Specification.

Claim 1 is illustrative of the invention and reproduced below:

1. A method, comprising:
 - receiving, at a network server, a scan request from an image scanner;
 - sending, in response to the scan request, a command from the network server to the image scanner to scan media; and
 - obtaining a scanned image of the media from the image scanner according to the command.

REFERENCES AND REJECTIONS AT ISSUE

The Examiner rejected claims 1, 2, 4 through 10, and 12 through 14 under 35 U.S.C. § 103(a) as being unpatentable over Fujita (US 2011/0096360 A1; published Apr. 28, 2011) and Ferlitsch (US 2010/0005136 A1; published Jan. 7, 2010). Final Act. 6–12.¹

The Examiner rejected claims 3 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Fujita, Ferlitsch, and Yada (US 2012/0229844 A1; published Sept. 13, 2012). Final Act. 13–14.

ISSUES

Appellants argue, on pages 7 through 10 of the Appeal Brief and pages 4 through 6 of the Reply Brief, that the Examiner's rejection of

independent claims 1 is in error. These arguments present us with the following issue: did the Examiner err in finding that Fujita and Ferlitsch teach a network server receiving a scan request from an image scanner and in response to the scan request the network server sending a command to the image scanner to scan the media?

Appellants' arguments directed to claims 2 through 7 and 9 through 14 on pages 10 through 12 of the Appeal Brief present us with the same issue as claim 1.

Appellants' arguments directed to claim 8 on page 11 of the Appeal Brief and page 6 of the Reply Brief present us with the issue: did the Examiner err in finding that Fujita and Ferlitsch teach the command sent to the image scanner includes the destination address for sending the scanned image?

ANALYSIS

We have reviewed Appellants' arguments in the Briefs, the Examiner's rejections and the Examiner's response to the Appellants' arguments. Appellants' arguments have not persuaded us of error in the Examiner's rejections of claims 1 through 14.

With respect to the first issue, Appellants argue Fujita teaches a scan request is received from the scanner driver of the scan control computer (PC500) and not from the image scanner as claimed. App. Br. 8. Further,

¹ Throughout this Opinion we refer to the Appeal Brief filed April 2, 2015, Reply Brief filed August 31, 2015, Final Office Action mailed November 3, 2014, and the Examiner's Answer mailed July 13, 2015.

Appellants argue that Ferlitsch does not teach sending a scan request to a network server. App. Br. 9.

In response to Appellants' arguments the Examiner relies upon the teachings of Fujita to show that a scan request is sent to a server (PC500) and a scan command is sent to a scanner from the server. Answer 3. Further, the Examiner finds that Ferlitsch teaches receiving a scan request at the image scanner. Answer 3. We concur with the Examiner. We disagree with Appellants' statements on page 9 of the Brief that the scanner network device 100 of Fujita does not send a scan request to the scanner. Fujita teaches the remote scanner/network connection apparatus is separate from the PC and allows the user to operate the scanner control at the PC500, thus the user enters the scan request at item 100. Fujita ¶¶ 41–42. We consider the Examiner's rejection to merely demonstrate that it would be obvious to move the scanner/network connection apparatus to be at the image scanner. Thus, Appellants' arguments, which address the references individually and not the combined teaching of the references, have not persuaded us of error in the Examiner's rejection of claim 1. Accordingly, we sustain the Examiner's rejection of claims 1 through 7 and 9 through 14.

With respect to the second issue, the Examiner finds that Fujita teaches the limitations of claim 8. Appellants argue that the rejection claim 8 is in error as paragraph 47 of Fujita, cited by the Examiner to teach the limitations of claim 8, does not teach the command to the scanner includes the destination address of the scanned image. App. Br. 11 and Reply Br. 6. Specifically, Appellants state "in Fujita, the destination IP address is for a packet, and not a destination address for the scanner device 200 to send scanned images." App. Br. 11. We disagree with the Appellants, paragraph

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47 of Fujita discusses the communication between the PC500 and the scanner/network connection apparatus (item 100, which receives the read image from the scanner to be supplied to the PC500, *see* para. 46). Thus, the addresses discussed in paragraph 47 are destination addresses for the image data, that the image data may be in packet form is of no consequence. Accordingly, we are not persuaded of error in the Examiner's rejection of claim 8, and we sustain the Examiner's rejection of claim 8.

DECISION

We sustain the Examiner's rejections of claims 1 through 14 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).

AFFIRMED