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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ACHIM REES, THOMAS ANGST, and ROBERT KUMMER

Appeal 2018-004829
Application 14/257,603
Technology Center 3700

Before STEFAN STAICOVICI, LEE L. STEPINA, and ARTHUR M. PESLAK, *Administrative Patent Judges*.

PESLAK, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant[1] appeals under 35 U.S.C. § 134(a) from the Examiner's decision rejecting claims 1, 4–10, and 12–23. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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[1] G&K-VIJUK INTERN. CORP. is the applicant and is identified as the real party in interest. Appeal Br. 3.

THE CLAIMED SUBJECT MATTER

The claims are directed to folding a sheet of paper. Spec. ¶ 1. Claim 1, reproduced below with italics added, is illustrative of the claimed subject matter:

> 1. A system that forms informational items having information printed thereon, the system comprising:
>
> a first folding unit configured to form a first folded article from a sheet of paper having information printed thereon, the first folding unit defining a first linear travel path for the sheet of paper and having a plurality of folding rollers configured to form the sheet of paper into the first folded article by making a plurality of folds parallel to a first folding direction in the sheet of paper;
>
> a second folding unit defining a second linear travel path that is perpendicular to the first linear travel path and operatively coupled downstream of the first folding unit to receive the first folded article, the second folding unit being configured to form a second folded article by making at least one fold in the first folded article parallel to a second folding direction that is perpendicular to the first folding direction;
>
> a turn unit operatively coupled downstream of the second folding unit to receive the second folded article, the turn unit defining an inlet disposed on a third linear travel path that is coextensive with the second linear travel path and an outlet disposed on a fourth linear travel path that is perpendicular to the second and third travel paths such that the turn unit receives the second folded article from the second folding unit through the inlet and conveys the second folded article along the third linear travel path to the fourth linear travel path to the outlet, the turn unit further including:
>
> a first belt segment and a second belt segment arranged in opposition to each other and configured to grip the second folded article therebetween, and
>
> *a plurality of guide rollers arranged along a curve to guide the first and second belt segments along a curved travel path between the third and fourth travel paths*, each of the guide

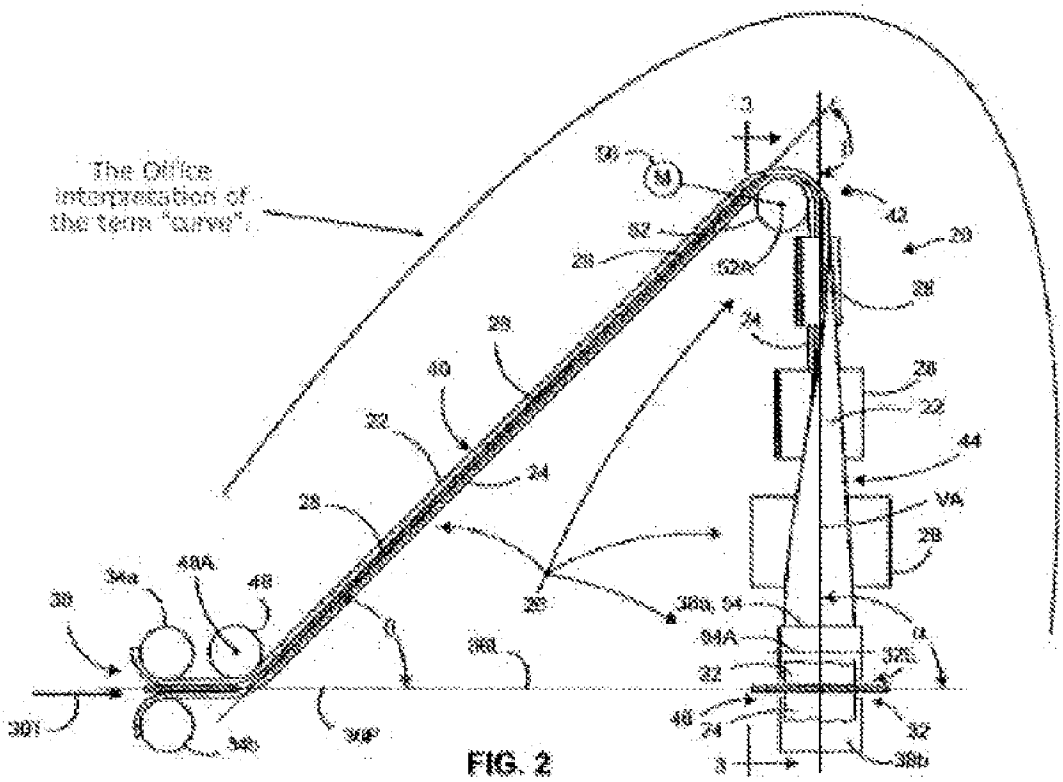
> rollers being rotatable about a respective rotational axis that is parallel to a first axial direction; and
>
> a third folding unit defining a fifth linear travel path that is coextensive with the fourth linear travel path and operatively coupled to the turn unit to receive the second article from the outlet of the turn unit, the third folding unit being configured to form a third folded article by making at least one fold in the second article parallel to the second folding direction.

REJECTION

Claims 1, 4–10, and 12–23 are rejected under 35 U.S.C. § 103 as unpatentable over Neubauer (US 2010/0069214 A1, published Mar. 18, 2010) and Trudeau (US 2010/0032894 A1, published Feb. 11, 2010).

DISCUSSION

The Examiner finds that Neubauer discloses many of the limitations of claim 1, including a plurality of folding units, but relies on Trudeau to disclose a turn unit having a plurality of guide rollers arranged along a curve. Final Act. 3–5. The Examiner determines that it would have been obvious to one of ordinary skill in the art, before the effective filling date of the claimed invention, to incorporate a turn unit between the folding units of Neubauer to "allow the feed path to be produced into an L-shape or U-shape to accommodate a customer facility." Final Act. 5. In support of the rejection, the Examiner provides an annotated copy of Figure 2 of Trudeau and states that rollers 48, 52, and 54 of Trudeau's turn unit are arranged along a curve. Ans. 2–3. A copy of the Examiner's annotated Figure 2 is reproduced below:



Annotated Figure 2 of Trudeau is a profile view of a Right Angle Tum (RAT) module including first and second re-directing bends and a twist section disposed between the re-directing bends. Trudeau ¶ 9.

Appellant argues, and we agree, that Trudeau does not disclose a plurality of guide rollers arranged along a curve as recited in claim 1 because Trudeau uses "single rolling elements to effect turns, each subjecting the belt segments to 90 degree turns or greater." Appeal Br. 11. According to Appellant, Trudeau's "triangular path extending between the rollers identified by the [Examiner] (48, 52, 54)" is not a reasonable interpretation of a plurality of guide rollers that are arranged along a curve. Reply Br. 2.

Claim terms are given their broadest reasonable interpretation consistent with the Specification as it would be interpreted by one of ordinary skill in the art. *See In re Suitco Surface, Inc.*, 603 F.3d 1255, 1259–60 (Fed. Cir. 2010); *In re Morris*, 127 F.3d 1048, 1054–55 (Fed. Cir. 1997). Although the claims are interpreted in light of the Specification, limitations from the Specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993). Appellant's Specification discloses that the guide rollers "bend the transport belt segments 510, 514 and thus redirect the folded article 390 from the travel path P8 to the travel path P9 . . . to bend the transport belt segments 510, 514 . . . along a relatively large diameter curve." Spec. ¶ 54, Fig. 10. Thus, in light of the Specification, the plurality of guide rollers form a single redirect along the same curve or arc. Indeed, Appellant describes that instead of a plurality of guide rollers, a single guide roller can be used (*see* Spec. ¶ 54) that imparts one bend to the transport belt segments along a curve.

Trudeau discloses that "rolling element 48 rotates . . . to direct the opposed belt segments 22, 24 up the inclined section 40 toward the first re-directing bend 42." Trudeau ¶ 19. Trudeau also discloses that "first re-directing bend 42 is effected by a rolling element 52 . . . which redirects the opposed belt segments 22, 24 and, the course/direction of the sheet collation 28 . . . vertically downwardly toward the second re-directing bend 46 . . . effected by a rolling element 54." Trudeau ¶¶ 20–22. Although we appreciate the Examiner's position that the exact location of the plurality of rollers is not explicitly claimed (*see* Ans. 3), claim 1 requires that the plurality of rollers are arranged along *a curve*, and in light of the Specification, the curve forms an arc having a single redirect. We agree

with Appellant that Trudeau's rolling elements 48, 52, and 54 each have a separate bend so that rolling element 48 directs the belt segments up the incline, rolling element 52 performs a first redirect, and rolling element 54 performs a second redirect. *See* Appeal Br. 11. In light of the Specification, the Examiner's position that Trudeau's turn unit "includes a plurality of guide rollers (48, 52, & 54) arranged along a curve to guide the first (22) and second belt segments (24) along a curved travel path" (Ans. 2), is based on an unreasonably broad interpretation of a curve, as recited in claim 1, because it includes multiple curves each redirecting the belt segments along a different curved travel path. *See In re Skvorecz*, 580 F.3d 1262, 1267 (Fed. Cir. 2009) ("The protocol of giving claims their broadest reasonable interpretation . . . does not include giving claims a legally incorrect interpretation.").

For the reasons discussed above and in light of our construction of claim 1, we determine that the Examiner's finding that Trudeau discloses a turn unit that includes "a plurality of guide rollers arranged along a curve," as recited in claim 1, is not supported by a preponderance of the evidence. We, therefore, do not sustain the rejection of claim 1 as unpatentable over Neubauer and Trudeau. We also do not sustain the rejection of claims 4–7, which depend from claim 1, for the same reason. The Examiner rejects independent claims 8 and 18 based on the same findings as for the rejection of claim 1. Final Act. 3–5. We do not sustain the rejection of independent claims 8 and 18, as well as claims 9, 10, and 12–17 depending from claim 8, and claims 19–23 depending from claim 18, as unpatentable over Neubauer and Trudeau for the same reasons as stated above for the rejection of claim 1.

DECISION

The Examiner's decision to reject claims 1, 4–10, and 12–23 is reversed.

REVERSED