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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HITOSHI FUNADA

Appeal 2018-005409
Application 13/363,264
Technology Center 2800

Before ALLEN R. MacDONALD, CAROLYN D. THOMAS, and
DAVID J. CUTITTA II, *Administrative Patent Judges*.

CUTITTA, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–10, all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b). Oral arguments were heard on January 13, 2020. A transcript of that hearing will be added to the record in due time.

We REVERSE.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Komori Corporation. Appeal Br. 3.

CLAIMED SUBJECT MATTER

Appellant’s claimed invention relates to “an offset printing press for printing securities.” Spec. 1:6–7.² The claimed invention, “in addition to determining the printing quality of a ground tint pattern, prior to the printing of the ground tint pattern, determines the quality of an anticounterfeit means applied to the paper prior to being introduced to the offset printing press.” Reply Br. 2. According to Appellant, “[t]his ensures that the printed paper sheets have a high print quality **and** a high anticounterfeit means quality.” *Id.*

Independent claim 1 is reproduced below with limitations at issue emphasized and is illustrative of the claimed subject matter:

1. An offset printing press for printing securities, comprising:

an offset printing unit which prints, by an offset printing, a ground tint pattern on a transported paper sheet which includes an anticounterfeit means before being introduced to the offset printing press;

an inspection camera unit which is arranged upstream of said offset printing unit in a direction in which the paper sheet is transported, and captures an image of the paper sheet before the ground tint pattern is printed; and

a sheet quality determination unit which determines a quality of the paper sheet on which no ground tint pattern is

² Throughout this Decision we refer to: (1) Appellant’s Specification filed January 31, 2012 (“Spec.”); (2) the Final Office Action (“Final Act.”) mailed February 24, 2017; (3) the Appeal Brief filed September 21, 2017 (“Appeal Br.”); and (4) the Examiner’s Answer (“Ans.”) mailed March 9, 2018; and (5) the Reply Brief filed May 2, 2018 (“Reply Br.”).

printed by inspecting a quality of the anticounterfeit means based on image data output from said inspection camera unit,

a printing quality camera which is arranged downstream of said offset printing unit in the direction in which the paper sheet is transported, and captures an image of the paper sheet on which the ground tint pattern is printed by said offset printing unit; and

a printing quality determination unit which determines a printing quality of the ground tint pattern on the paper sheet based on image data output from said printing quality camera.

Appeal Br. 14 (Claims Appendix).

REFERENCES

The references³ relied upon by the Examiner are:

Name	Reference	Date
Ishida et al.	US 6,241,243 B1	June 5, 2001
Reinhard et al.	US 2006/0208412 A1	Sept. 21, 2006
Takenouchi et al.	US 2007/0012207 A1	Jan. 18, 2007
Saito et al.	US 2008/0229949 A1	Sept. 25, 2008
Kamijo	US 7,569,825 B2	Aug. 4, 2009
Ono et al.	JP 2001-125229	May 17, 1989
Ishimoto et al.	JP 2007-251400 A	Sept. 27, 2007

REJECTIONS

The Examiner rejects claims 1, 2, 4, and 5 under 35 U.S.C. § 103(a) as unpatentable over Ono, Reinhard, and Ishimoto. Final Act. 2–4.

³ All citations to the references use the first-named inventor only.

The Examiner rejects claim 3 under 35 U.S.C. § 103(a) as unpatentable over Ono, Reinhard, Ishimoto, and Kamijo. *Id.* at 5.

The Examiner rejects claim 6 under 35 U.S.C. § 103(a) as unpatentable over Ono, Reinhard, Ishimoto, and Ishida. *Id.* at 5–6.

The Examiner rejects claims 7 and 8 under 35 U.S.C. § 103(a) as unpatentable over Ono, Reinhard, Ishimoto, and Saito. *Id.* at 6–8.

The Examiner rejects claims 9 and 10 under 35 U.S.C. § 103(a) as unpatentable over Ono, Reinhard, Ishimoto, and Takenouchi. *Id.* at 8–9.

OPINION

We review the appealed rejections for error based upon the issues identified by Appellant and in light of Appellant’s arguments and evidence. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Arguments not made are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Independent claim 1 recites, in part, “an inspection camera unit which ... captures an image of the paper sheet before the ground tint pattern is printed” and “a sheet quality determination unit which determines a quality of the paper sheet on which no ground tint pattern is printed by inspecting a quality of the anticounterfeit means based on image data output from said inspection camera unit.” The Examiner finds Reinhard’s “inspection module 31, which includes inspection device A and UV inspection device B” teaches or suggests the claimed inspection camera unit. Final Act. 3 (citing Reinhard ¶¶ 79, 94, 95, Fig. 2). The Examiner finds Reinhard’s computer, which determines a sheet quality by checking fluorescence in sheets based on input from UV inspection device B, teaches or suggests the claimed sheet quality determination unit. *Id.* (citing Reinhard ¶ 95).

Appellant acknowledges the Specification's "list of anti counterfeit means can be construed as open-ended, and could theoretically include [detecting] a fluorescent material which reacts when exposed to UV light," as discussed in Reinhard. Reply Br. 3 (citing Spec. 5:2-7). Accordingly, Appellant acknowledges that under a broadest reasonable interpretation, Reinhard's UV inspection device B for detecting fluorescence teaches or suggests an anti-counterfeit means. Appellant, however, argues that Reinhard does not teach determining a sheet quality by inspecting a quality of an anticounterfeit means by using an inspection camera unit *before* printing of a ground tint pattern because Reinhard detects fluorescence *after* the ground tint pattern has been printed. *See* Appeal Br. 3; Reply Br. 4 ("Thus, even if under the broadest reasonable interpretation standard, the claimed anti counterfeit means is construed to include a fluorescent material, is clear that Reinhard's fluorescence technique is not added prior to printing.").

We find Appellant's argument persuasive. Claim 1 requires that the paper sheet include "an anticounterfeit means before being introduced to the offset printing press." Appeal Br. 14. Claim 1 also requires that the inspection camera unit "captures an image of the paper sheet *before* the ground tint pattern is printed" and the sheet quality determination unit . . . determines a quality of the paper sheet *on which no ground tint pattern is printed* by inspecting a quality of the anticounterfeit means." *Id.* (emphasis added). The Examiner, however, has not shown that Reinhard's UV inspection device B detects fluorescence before printing of a ground tint pattern. Ans. 4. To the contrary, as argued by Appellant, "Reinhard discloses determining a sheet quality by inspecting a quality of a printed

image.” Appeal Br. 10. For example, Reinhard discloses that the sheets are preprinted before introduction to sheet feeder 01. Reinhard ¶ 88. Reinhard further discloses “[a] computer . . . which is connected to the camera 38 compares the image of the sheet recorded by the camera with a desired printed image stored in electronic form, and decides whether the correspondence between the *detected printed image* and the desired printed image is good enough.” Reinhard ¶ 95 (emphasis added). Reinhard’s fluorescence detection by UV inspection device B occurs immediately after the *printed* image detection of camera 38. Reinhard ¶ 95, Fig. 2. Because Reinhard’s fluorescence detection by UV inspection device B is performed on sheets already having a printed ground tint pattern, we agree with Appellant that Reinhard fails to teach inspecting a quality of an anticounterfeit means *before* printing of the ground tint pattern.

Because we agree with at least one of the dispositive arguments advanced by Appellant for claim 1, we need not reach the merits of Appellant’s other arguments. Accordingly, based on the record before us, we do not sustain the Examiner’s 35 U.S.C. § 103(a) rejection of independent claim 1, and, for the same reasons, of dependent claims 2–9.

CONCLUSION

We reverse the Examiner’s rejections of claims 1–10 under 35 U.S.C. § 103(a).

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 2, 4, 5	103(a)	Ono, Reinhard, Ishimoto		1, 2, 4, 5
3	103(a)	Ono, Reinhard, Ishimoto, Kamijo		3
6		Ono, Reinhard, Ishimoto, Ishida		6
7, 8		Ono, Reinhard, Ishimoto, Saito		7, 8
9, 10		Ono, Reinhard, Ishimoto, Takenouchi		9, 10
Overall Outcome				1–10

REVERSED