



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
**United States Patent and Trademark Office**  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/298,076	10/19/2016	Alex Andrea Tallada	84536485	1007
22879	7590	12/23/2019	EXAMINER	
HP Inc. 3390 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528-9544			LIN, ERICA S Y	
			ART UNIT	PAPER NUMBER
			2853	
			NOTIFICATION DATE	DELIVERY MODE
			12/23/2019	ELECTRONIC

**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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

barbl@hp.com  
ipa.mail@hp.com  
yvonne.bailey@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* ALEX ANDREA TALLADA, CARMEN BLASCO CORTES,  
XAVIER QUINTERO RUIZ, and DAVID RAMIREZ MUELA

---

Appeal 2019-002854  
Application 15/298,076  
Technology Center 2800

---

Before JEFFREY B. ROBERTSON, GRACE KARAFFA OBERMANN,  
and MONTÉ T. SQUIRE, *Administrative Patent Judges*.

SQUIRE, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

Appellant<sup>2</sup> appeals under 35 U.S.C. § 134(a) from the Examiner's decision to finally reject claims 1–20, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

---

<sup>1</sup> In this Decision, we refer to the Specification filed Oct. 19, 2016 (“Spec.”); Final Office Action dated Apr. 2, 2018 (“Final Act.”); Appeal Brief filed Oct. 10, 2018 (“Appeal Br.”); Examiner’s Answer dated Dec. 28, 2018 (“Ans.”); and Reply Brief filed Feb. 26, 2019 (“Reply Brief”).

<sup>2</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies Hewlett-Packard Development Company, LP, as the real party in interest. Appeal Br. 1. Appellant further states that Hewlett-Packard Development Company, LP is a wholly-owned affiliate of HP Inc. and HPQ Holdings LLC is the general or managing partner of Hewlett-Packard Development Company, LP. *Id.* at 1.

### CLAIMED SUBJECT MATTER

Appellant's disclosure relates to a method of printing an image on a substrate by a printhead using ultraviolet (UV) curable ink. Spec. ¶ 10; Abstract. Claim 1 illustrates the claimed subject matter on appeal and is reproduced below from the Claims Appendix to the Appeal Brief:

1. A method of printing an image using ultraviolet (UV) curable ink, the method comprising:

determining a first portion of the image and a second portion of the image;

printing the first portion of the image on a substrate by a first portion of a printhead using the UV curable ink;

printing the second portion of the image on the substrate by a second portion of the printhead using the UV curable ink;

selectively applying a first amount of UV radiation by a first region of a light source to the first portion of the image printed by the printhead after a first amount of time passes from printing the first portion to create a first finish on a first area of the substrate; and

selectively applying a second amount of UV radiation by a second region of the light source to the second portion of the image printed by the printhead after a second amount of time passes from printing the second portion to create a second finish on a second area of the substrate, ***the first amount of time different than the second amount of time.***

Appeal Br. 9 (key disputed claim language italicized and bolded).

## REFERENCES

The Examiner relies on the following prior art references as evidence in rejecting the claims on appeal:

Name	Reference	Date
German et al. (“German”)	US 2006/0290760 A1	Dec. 28, 2006
Heath	US 2010/0247795 A1	Sept. 30, 2010
Izuo	US 2011/0141184 A1	June 16, 2011

## REJECTIONS

On appeal, the Examiner maintains (Ans. 3) the following rejections:<sup>3</sup>

1. Claims 1–6 and 16–20 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over German in view of Heath (“Rejection 1”). Final Act. 5.

2. Claims 7–15 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over German in view of Izuo and further in view of Heath (“Rejection 2”). *Id.* at 11.

3. Claims 1–20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1–18 of U.S. Patent No. 9,505,238 (“Rejection 3”). *Id.* at 3–4.

## OPINION

Having considered the respective positions advanced by the Examiner and Appellant in light of this appeal record, we affirm the Examiner’s rejections based on the fact-finding and reasoning set forth in the Answer

---

<sup>3</sup> The Examiner’s § 112 rejection for indefiniteness (*see* Final Act. 4) is withdrawn by the Examiner at page 3 of the Answer.

and Final Office Action, which we adopt as our own. We add the following primarily for emphasis.

*Rejection 1*

The Examiner rejects claims 1–6 and 16–20 under pre-AIA 35 U.S.C. § 103(a) as obvious over the combination of German and Heath (Final Act. 5–11), which we refer to as Rejection 1. In response to the Examiner’s rejection, Appellant argues for the patentability of claim 1 but does not present separate argument for the patentability of remaining claims 2–6 and 16–20. Appeal Br. 4. We select claim 1 as representative and claims 2–6 and 16–20 stand or fall with claim 1. 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner determines that the combination of German and Heath suggests a method of printing using UV curable ink satisfying all of the limitations of claim 1 and concludes the combination would have rendered the claim obvious. Final Act. 5–6 (citing German ¶¶ 40, 41, 58, 59; Heath ¶¶ 26, 30). The Examiner finds German discloses nearly all of the limitations of claim 1, but that the reference does not explicitly disclose “the first amount of time different than the second amount of time” recitation of the claim. *Id.* at 6. The Examiner, however, relies on Heath for disclosing or suggesting that element of the claim. In particular, the Examiner finds Heath discloses UV LEDs to cure ink and varying the amount of time of exposure to generate different effects within the same substrate. *Id.* at 6 (citing Heath ¶ 26).

Based on the above findings, the Examiner concludes

[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to have applied UV radiation such that the first amount of time [is] different

than the second amount of time, as disclosed by Heath, into the method of German, for the purpose of generating multiple effects on the same substrate.

*Id.* at 6 (citing Heath ¶ 30).

Appellant argues that the Examiner’s rejection of claim 1 should be reversed because the cited art does not teach or suggest “the first amount of time different than the second amount of time,” as recited in the claim. Appeal Br. 5–7; Reply Br. 1–5. Appellant contends that, in contrast to the claimed invention, the cited art teaches that the amount of time that passes after printing the first portion and applying UV to the first portion and the amount of time that passes between printing the second portion are identical. Appeal Br. 5; Reply Br. 4–5 (arguing “*the applied art does not teach that the (first) amount of time that passes between the printing of the first image . . . is different than the second amount of time that passes between the printing of the second image*”).

We do not find Appellant’s arguments persuasive of reversible error in the Examiner’s rejection. Rather, on the record before us, we find a preponderance of the evidence and sound technical reasoning support the Examiner’s findings and determination that the combination of German and Heath suggests a method of printing using UV curable ink satisfying all of the limitations of claim 1, including “the first amount of time different than the second amount of time,” and conclusion that the combination would have rendered the claimed method obvious. German ¶¶ 40, 41, 58, 59; Heath ¶¶ 26, 30.

As the Examiner finds (Final Act. 5–6), German discloses a method of printing an image using UV curable ink, including printing the first portion of the image on a substrate; printing the second portion of the image on the

substrate; selectively applying a first amount of UV radiation to the first portion of the image printed; and selectively applying a second amount of UV radiation to the second portion of the image printing. German ¶¶ 40, 41, 58, 59. Regarding the recitation “the first amount of time different than the second amount of time,” as the Examiner further finds (Final Act. 6), Heath discloses using UV LEDs to cure ink and varying the amount of time of exposure to generate different effects within the same substrate. Heath ¶ 26.

The Examiner also provides a reasonable basis, which is supported by a preponderance of the evidence in the record, to evince why one of ordinary skill would have combined the teachings of German and Heath to arrive at the claimed invention. Final Act. 6 (explaining that one of ordinary skill would have had reason to modify German’s printing method (German ¶¶ 58, 59) to apply UV radiation such that the first amount of time of exposure is different than the second amount of time of exposure, as disclosed by Heath (Heath ¶ 26), for the purpose of generating multiple effects on the same substrate); *see also KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 420 (2007) (explaining that any need or problem known in the art can provide a reason for combining the elements in the manner claimed).

Appellant’s arguments do not reveal reversible error in the Examiner’s factual findings or analysis in this regard. We do not find persuasive Appellant’s “shorthand notation” arguments (Appeal Br. 5–7; Reply Br. 2–4) based on the fact-finding and reasoning provided by the Examiner at pages 4–5 of the Answer and pages 5–6 of the Final Office Action. In particular, as the Examiner points out (Ans. 4), Appellant’s contentions in this regard are not well-taken because they appear to be based on language and limitations that do not appear in the claims, and do not

accurately reflect the actual claim language. *In re Van Geuns*, 988 F.2d 1181, 1184–85 (Fed. Cir. 1993).

Appellant’s contentions in this regard are also not persuasive of reversible error in the Examiner’s rejection because they are largely conclusory and do not meaningfully address or rebut the Examiner’s specific findings regarding Heath’s disclosure of the “the first amount of time different than the second amount of time” recitation of the claim, and what the combined teachings of German and Heath would have reasonably suggested to one of ordinary skill in the art. One cannot show non-obviousness by attacking references individually where the rejection is based on a combination of references. *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

Appellant’s mere disagreement as to the Examiner’s factual findings, without more, is insufficient to establish reversible error. *SmithKline Beecham Corp. v. Apotex Corp.*, 439 F.3d 1312, 1320 (Fed. Cir. 2006) (“[M]ere statements of disagreement . . . as to the existence of factual disputes do not amount to a developed argument.”); *see also In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) (explaining that mere lawyer’s arguments or conclusory statements, which are unsupported by concrete factual evidence, are entitled to little probative value).

Accordingly, we affirm the Examiner’s rejection of claims 1–6 and 16–20 under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over the combination of German and Heath.

### *Rejection 2*

In response to the Examiner’s rejection of claims 7–15 under pre-AIA § 103(a) as obvious over the combination of German, Izuo, and Heath (Final

Act. 11–15), which we refer to as Rejection 2, Appellant does not present any new or additional substantive arguments. Rather, Appellant relies on the same arguments previously presented above in response to the Examiner’s rejection of claim 1 based on the combination of German and Heath. Appeal Br. 7.

Accordingly, based on the fact-finding and reasoning provided by the Examiner at pages 3–5 of the Answer and pages 11–15 of the Final Office Action, and for principally the same reasons discussed above for affirming the Examiner’s rejection of claim 1, we affirm the Examiner’s rejection of claims 7–15 under pre-AIA 35 U.S.C. § 103(a) as obvious over the combination of German, Izuo, and Heath.

### *Rejection 3*

Appellant does not present any substantive argument in the Appeal Brief or Reply Brief in response to the Examiner’s rejection of claims 1–20 on the ground of nonstatutory double patenting as being unpatentable over claims 1–18 of U.S. Patent No. 9,505,238 (Final Act. 3–4). *See generally* Appeal Br.; Reply Br.

Accordingly, because the Examiner’s rejection of claims 1–20 for nonstatutory double patenting has not been withdrawn (*see* Ans. 3; Final Act. 3–4) and is not disputed by Appellant, we summarily affirm this rejection. *Cf. Hyatt v. Dudas*, 551 F.3d 1307, 1314 (Fed. Cir. 2008); *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (“If an appellant fails to present arguments on a particular issue – or, more broadly, on a particular rejection – the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection”) (cited with approval in *In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011)).

CONCLUSION

In summary:

<b>Claim(s) Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-6, 16-20	103(a)	German, Heath	1-6, 16-20	
7-15	103(a)	German, Izuo, Heath	7-15	
1-20		Nonstatutory double patenting	1-20	
<b>Overall Outcome</b>			<b>1-20</b>	

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