

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HELMUT FROHLICH

Appeal No. 2001-2616
Application No. 09/101,704

HEARD: JANUARY 22, 2002¹

Before COHEN, STAAB, and NASE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

¹ The examiner requested an opportunity to present arguments at the oral hearing (Paper No. 32), and was duly notified on January 2, 2002 via office E-mail sent by Pamela Bennett at the Board as to the hearing time and date, but did not attend the hearing.

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This is an appeal from the final rejection of claims 14 through 32. These claims constitute all of the claims remaining in the application.

Appellant's invention pertains to a process and device for continuously winding webs. A basic understanding of the invention can be derived from a reading of exemplary claims 14, 17, and 29, respective copies of which appear in the APPENDIX to the brief (Paper No. 28).

As evidence of obviousness, the examiner has applied the documents listed below:

Orbach	4,611,769	Sep. 16, 1986
Wilky and Andermann 1967 (Germany) (DE-'847) ²	DE-U 1,970,847	Oct. 19,

The following rejection is before us for review.

² Our understanding of this document is derived from a reading of a translation thereof prepared in the United States Patent and Trademark Office. A copy of the translation is appended to this opinion.

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Claims 14 through 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the German reference (DE-`847) in view of Orbach.

The full text of the examiner's rejection and response to the argument presented by appellant appears in the answer (Paper No. 29), while the complete statement of appellant's argument can be found in the main and reply briefs (Paper Nos. 28 and 31).

OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered appellant's specification and claims, the applied teachings,³

³ In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have
(continued...)

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and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determinations which follow.

We do not sustain the rejection of appellant's claims before us.

Independent claim 14 is drawn to a process for continuously winding a plurality of longitudinally cut paper webs at machine speed by using support rollers and at least one pair of disks associated with each of the support rollers and, inter alia, requires the steps of axially adjusting the disks of the at least one pair of disks to correspond to a width of web to be wound and running the supporting rollers and a first cardboard tube up to machine speed thereby winding the web onto the first cardboard drive, wherein the first cardboard tube is driven by a first core winding device.

Independent claim 17 recites a device for continuously winding

³(...continued)
been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

webs comprising, inter alia, a longitudinally cutting device positioned to cut a web into a plurality of webs, at least two support rolls positioned downstream from the longitudinal cutting device, at least one pair of disks associated with each support roll, with the disks of the at least one pair of disks being axially positionable to accommodate a width of web to be wound, and at least two winding devices comprising a core drive adapted to receive a⁴ winding tube to drive the tube to a machine speed. Independent claim 29 sets forth a process for continuously winding a plurality of webs in an apparatus that includes a longitudinal cutting device, at least two support rolls positioned downstream from the longitudinal cutting device, and at least one pair of disks associated with each support roll, with the disks of the at least one pair of disks being axially positionable, and further requires, inter alia, axially adjusting the disks of the at least one pair of disks to correspond to a width of web to be wound and rotating winding tubes and support rolls at a

⁴ In claim 17, line 11, for grammatical correctness and clarity it appears that the word --a-- should be inserted before "winding".

machine speed, wherein the winding tubes are driven by a core drive of a winding device.

In rejecting appellant's claims under 35 U.S.C. § 103(a), the examiner relies upon the combined teachings of DE-'847 and Orbach. As recognized by the examiner (answer, pages 4 and 5) the rolling, winding, and cutting machine of DE-'847 lacks a longitudinal cutter, a second support roll, and disks that are adjustable.⁵ From our perspective, even if one having ordinary skill in the art would have been motivated to rework the machine of DE-'847 in light of the teaching of Orbach of slitting a web and winding onto two support rolls,⁶ we perceive no suggestion whatsoever in the evidence before us

⁵ Based upon the examiner's statements (answer, pages 4 and 7), it appears that the examiner may have viewed the disks of DE-'847 as inherently adjustable. We discern no basis for this inherency determination in the DE-'847 teaching. Nevertheless, the examiner also indicates (answer, page 5) that it would have been obvious to make the disks of DE-'847 adjustable.

⁶ As set forth on page 6 of the translation of DE-'847, the installation of a longitudinal cutting device also allows the width of the material web to be subdivided in such a way that a plurality of finished rolls of different widths can be made.

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for structurally altering the overall machine configuration of DE-'847 to obtain adjustable right and left turret disks 3 for setting a desired width of a web to be wound. As can be appreciated from a consideration of Fig. I of DE-'847, the width of a finished roll 2a is clearly capable of being varied, without any need for adjustable turret disks 3. For the above reasons, the rejection of appellant's claims cannot be sustained.

In summary, this panel of the board has not sustained the rejection of claims 14 through 32 under 35 U.S.C. § 103(a) as being unpatentable over the German reference (DE-'847) in view of Orbach.

The decision of the examiner is reversed.

REVERSED

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IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
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LAWRENCE J. STAAB)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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)	
JEFFREY V. NASE)	
Administrative Patent Judge)	

ICC:pgg

Greenblum & Bernstein P.L.C.
1941 Roland Clark Place
Reston, VA 20191