

The opinion in support of the decision entered today was not written for publication and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRIEDRICH R. SCHNEIDER

Appeal No. 2002-1507
Application No. 09/196,687

ON BRIEF

Before STAAB, MCQUADE, and BAHR, Administrative Patent Judges.

STAAB, Administrative Patent Judge.

DECISION ON APPEAL

Friedrich R. Schneider appeals from the examiner's final rejection of claims 1-5, all the claims currently pending in the application.

Appellant's invention pertains to the structure of a leader for a fly fishing line. The leader is constructed from a single length of monofilament using the apparatus 30 shown

in Figures 2-6. Embodiments of the resulting leader are shown in Figures 7 and 8 and comprise loops 60, 70 which are "integral" with the leader, which term in the present application "is meant to exclude constructions of forming loops by knotting, tying or interweaving" (specification, page 7). A further understanding of the invention can be derived from a reading of exemplary claim 1, which appears in Appendix A to appellant's brief.

The references cited by the examiner in the final rejection are:

Gregoire	2,600,232	Dec. 24, 1987
(French Patent Document) ¹		

"Spring Fishing and Outdoor 1995", (Orvis Publication) pp. 48 and 49.

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over French Patent 2,600,232 to Rene Jean Gregoire (Gregoire) in view of the Orvis publication (Orvis).

¹ Our understanding of this French language reference is derived in part from a translation thereof prepared in the PTO, a copy of which is attached to this decision.

Reference is made to appellant's brief (Paper No. 18) and to the examiner's final rejection and answer (Paper Nos. 15 and 19) for the respective positions of appellant and the examiner regarding the merits of this rejection.

Discussion

Claim 1, the broader of the two independent claims on appeal, reads as follows:

1. A fly line leader comprising a single twisted length of monofilament line which is folded upon itself to provide at least four strand portions with said strand portions being twisted together and wherein said folds of said single twisted length of monofilament line form integral with said leader at least one knot free loop at each of the opposite ends of said leader.

Gregoire, the examiner's primary reference in the rejection, comprises, in pertinent part, a fly line leader as shown in Figure 3 which comprises a single length of monofilament twisted and folded back upon itself. More particularly, the fly line leader of Gregoire includes a first portion from C to A comprising two stands of monofilament twisted together and a second portion from C to D comprising a single strand of monofilament. The examiner implicitly concedes that the fly line leader of Gregoire does not include an integral knot free loop at each of the opposite ends of the leader, nor a fly line leader folded back upon itself to provide at least four strand portions. The examiner turns to Orvis for a teaching of these features.

Orvis is directed to so-called “Orvis Braided Leaders” for fly fishing. Few details of the leaders can be discerned from the Orvis publication beyond the fact that the leaders include a loop at each end thereof. Presumably, the loops at each end of the leader facilitate securing the opposite ends of the leader to the fly line and the tippet, respectively, without the need of tying knots.

In rejecting the appealed claims, the examiner takes the position (final rejection, page 2) that it would have been obvious to one of ordinary skill in the art (1) “to provide FR ‘232 [Gregoire] with a loop at both ends as shown by the ORVIS catalog to provide a knotless leader,” and (2) “to employ at least four strand portions . . . since routine experimentation would be used to determine the number of strands” Concerning (2), the examiner further posits that “[o]ne skilled in the art would have found it obvious to fold the strand back onto itself a plurality of times to increase the strength of the leader” (final rejection, page 4).

The examiner’s rejection fails to set forth a *prima facie* case of obviousness with respect to the claims under appeal since the applied references, taken either individually or collectively, do not disclose or suggest a fly fishing leader comprises at least four strand portions. Clearly, Gregoire does not disclose or suggest this construction. As to Orvis, the examiner admits (final rejection, page 2) that it cannot be discerned from the disclosure

thereof “exactly how many times the strand is folded back upon itself.” On this basis, we conclude that the applied references do not teach a leader comprising a single length of monofilament line folded upon itself to provide at least four strand portions. Moreover, and notwithstanding the examiner’s view to the contrary, the applied references also do not disclose or suggest a fly fishing leader having at least one knot free integral loop at each end of the leader. While Orvis certainly discloses a leader having a loop at each end, it is simply not possible to discern precisely how these loops are formed, i.e., whether they are “knot free” and “integral.” Further, the examiner has not explained, and it is not apparent to us, how Gregoire could be modified in light of the teachings of Orvis to provide knot free integral loops at each end while retaining the single length of monofilament line construction called for by the claims. Under these circumstances, the standing rejection of the appealed claims cannot be sustained.

The decision of the examiner is reversed.

REVERSED

LAWRENCE J. STAAB
Administrative Patent Judge

JOHN P. MCQUADE
Administrative Patent Judge

JENNIFER D. BAHR
Administrative Patent Judge

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