

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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte MARK CLEMENTS, JOE FADER,  
CHRIS KEENEY, STEVE YOLLIK, and JIM HAWKINS

---

Appeal No. 2002-2017  
Application No. 09/567,457

---

ON BRIEF

---

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

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 6. These claims constitute all of the claims remaining in the application.

Appellants' invention pertains to a suspension system for a vehicle and to a method of increasing articulation of a vehicle suspension system having a stabilizer bar and an end link. A basic understanding of the invention can be derived from a

Appeal No. 2002-2017  
Application No. 09/567,457

reading of exemplary claims 1 and 6, respective copies of which appear in the APPENDIX to the main brief (Paper No. 13).

As evidence of obviousness, the examiner has applied the document specified below:

Kincaid et al. (Kincaid)	5,954,353	Sep. 21, 1999
-----------------------------	-----------	---------------

The following rejection is before us for review.

Claims 1 through 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kincaid.

The full text of the examiner's rejection and response to the argument presented by appellants appears in the answer (Paper No. 15), while the complete statement of appellants' argument can be found in the main and reply briefs (Paper Nos. 13 and 16).

OPINION

In reaching our conclusion on the obviousness issue raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied patent,<sup>1</sup> and the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the determination which follows.

We cannot sustain the rejection on appeal.

Our focus is upon independent claims 1 and 6.

Claim 1 is drawn to a suspension system for a vehicle comprising, inter alia, a ball link "integrally formed" as an end of a stabilizer bar. Claim 6 sets forth a method of increasing

---

<sup>1</sup> In our evaluation of the applied prior art, we have considered all of the disclosure of Kincaid 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 been expected to draw from that disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

Appeal No. 2002-2017  
Application No. 09/567,457

articulation of a vehicle suspension system having a stabilizer bar and an end link comprising the steps of, inter alia, "integrally forming" a ball link upon an end of a stabilizer bar.

Read in light of appellants' underlying disclosure (specification, page 2, lines 8 through 11 and page 3, lines 15 and 16), it is quite apparent to us that one versed in the art would comprehend the claim language as requiring a single piece configuration for the ball link and stabilizer bar, as compared to a construction wherein two pieces, i.e., a ball link and a stabilizer bar, are fastened or joined together (specification, page 3, lines 16 through 18).

In light of the above understanding of claims 1 and 6, it is at once quite apparent to us that those claims would not have been rendered obvious to one having ordinary skill in the art by the suspension assembly teaching of Kincaid. From our perspective, the clear suggestion of Kincaid is to join separately fabricated end links and a stabilizer bar together by some form of fastening means, e.g., threading, welding, and crimping (column 4, lines 1 through 23). As such, the disclosure of Kincaid is akin to the acknowledged prior art (appellants'

Appeal No. 2002-2017  
Application No. 09/567,457

specification, page 1, lines 29 and 30) and to the "separately manufactured" alternative taught by appellants (specification, page 3, lines 27 through 29). By itself, we readily perceive that the Kincaid patent would not have been suggestive of an "integrally formed" ball link and stabilizer bar as now claimed. It is for the preceding reasons that the rejection on appeal cannot be sustained.

REMAND TO THE EXAMINER

The examiner should assess the obviousness of the claimed subject matter based upon the collective knowledge in the art of a fastened together alternative (prior art acknowledgment in appellants' specification, page 1, or Kincaid<sup>2</sup>) and the known integrally formed alternative as evidenced by Schmid (U.S. Patent No. 3,740,986; Figures 12 through 16), of record in the application.

---

<sup>2</sup> Appellants' view of Kincaid as seeking to "avoid a single piece structure" (reply brief, page 2) seems to impliedly acknowledge a single piece structure as an alternative.

Appeal No. 2002-2017  
Application No. 09/567,457

In summary, this panel of the board has not sustained the single rejection before us. We have also remanded the application to the examiner to consider the matter addressed above.

The decision of the examiner is reversed.

REVERSED AND REMANDED

IRWIN CHARLES COHEN	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
JOHN P. McQUADE	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
JEFFREY V. NASE	)	
Administrative Patent Judge	)	

ICC/lbg

Appeal No. 2002-2017  
Application No. 09/567,457

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009