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THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

MAY 22 1996

~~EX. PART~~ LAWRENCE O. ADAMS JR.  
KIRK C. MCCAMMON  
LARRY J. HINES  
and WAYNE C. MICALFE

PAT.&T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Appeal No. 95-2682  
Application 07/707,613<sup>1</sup>

ON BRIEF

Before McCANDLISH, Senior Administrative Patent Judge, and  
LYDDANE and McQUADE, Administrative Patent Judges.

McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

This appeal was taken from the final rejection of claims 13 through 20. The appellants have since canceled claims 13, 14, 17 and 18 and amended claims 15 and 16.<sup>2</sup> Thus, the appeal now involves claims 15, 16, 19 and 20, the only claims presently pending in the application.

<sup>1</sup> Application for patent filed May 30, 1991.

<sup>2</sup> The appellants also canceled non-elected claims 1 through 12 and 21 subsequent to final rejection.

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The appellants' invention relates to a method of using a peelable masking sheet to protect a glazing pane, which is intended to be installed within a peripheral frame, against painting, staining or other such treatment of the frame. The portions of the sheet applied to the perimeter region of the pane are removed prior to assembly with the frame to facilitate the later removal of the rest of the sheet from the central region of the pane and to eliminate the trapping of sheet residue between the pane and the frame. Copies of the claims on appeal as submitted with the appellants' main brief are appended hereto.

The references relied upon by the examiner as evidence of obviousness are:

Nile	1,256,818	Feb. 19, 1918
Coyner	3,139,352	June 30, 1964
Youssi et al. (Youssi)	3,358,355	Dec. 19, 1967
Instance	4,894,106	Jan. 16, 1990

The claims on appeal stand rejected under 35 U.S.C. § 103 as follows:

a) claims 15 and 16 as being unpatentable over Nile in view of Youssi;

b) claims 19 and 20 as being unpatentable over Nile in view of Youssi, and further in view of Instance;

c) claims 15 and 16 as being unpatentable over Nile in view of Youssi, and further in view of Coyner;<sup>3</sup> and

d) claims 19 and 20 as being unpatentable over Nile in view of Youssi and Coyner, and further in view of Instance.<sup>3</sup>

Nile discloses a method of protecting a glass pane from damage incidental to its final positioning within a window frame. As explained by Nile and with reference to the drawing figures, the method

... proposes to provide a protective covering formed of heavy paper, which may be waxed or similarly treated in order to toughen it as well as rendering it transparent. A sheet of paper A of the dimensions of the pane to be covered is provided for each of its surfaces. Each of these paper coverings has its margin provided with a strip B the reverse side of which is coated with a suitable adhesive substance, for the entire perimeter of the paper sheet. Lines of perforations C separate the gummed strips B from the central portion of the paper in the manner clearly illustrated.

The glass panes are equipped with the paper protective covers before being shipped by the manufacturer, the adhesive edges of each covering being moistened and pasted directly upon the surface of the glass, so that the pane is thoroughly protected against the stains of carelessly used paint, putty, oil and the like. After the glass has been inserted within its frame and all handling incident to the installation thereof is finished, an incision may be made along the perforations at one of the corners of the paper sheet and the latter then torn off in the manner illustrated in Fig. 2. The gummed edges B of the sheet do not need to be removed for the reason that they are covered by the securing putty for the glass pane. Both surfaces of the pane are thus protected and are fresh for use immediately after installation without any of the

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<sup>3</sup> This rejection was entered for the first time in the main answer (Paper No. 13).

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previously necessary and arduous cleansing [page 1, lines 62 through 97].

Of note here is that the margins B of Nile's paper sheets are covered by the frame and are not removed from the glass pane. Thus, Nile does not teach and would not have suggested a method having the particular sheet perimeter or margin removing steps recited in independent claims 15, 16 and 19.

Youssi discloses a method of using a strippable sheet to cover and protect the pre-finished portion of a siding panel during packaging, shipment and installation.

Instance discloses a method of manufacturing a strip of labels.

Coyner discloses a method of employing removable coatings of telomers of tetrafluoroethylene to protect surfaces from paint, lacquer and the like. As an example, Coyner teaches that such a coating can be used to cover a window glass adjacent its frame to protect the glass from paint being applied to the frame (see column 3, lines 27 through 38).

It is not apparent, nor has the examiner satisfactorily explained in the main and supplemental answers (Paper Nos. 13 and 15), how or why any one or more of these additional references would have suggested providing the method disclosed by Nile with the claimed sheet perimeter or margin removing steps which it lacks. Although the examiner relies on Youssi and Coyner to



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APPENDIX

15. A method of making a glazing assembly, the method comprising:

initially applying a sheet of masking material on a first surface of an uninstalled glazing pane that (a) has first and second surfaces each of which has a central region and a perimeter region surrounding the central region and (b) that is sized and shaped to be installed in a frame, the masking material being sized, shaped and positioned to cover at least portions of both the central region and the perimeter region of the first surface; and

then removing portions of the sheet that cover the perimeter region, to leave uncovered at least a portion of the perimeter region of the first surface, the width of the uncovered portion being not less than the distance the first surface will extend along a facing surface of the frame when the pane is installed.

16. A method of making a glazing assembly, the method comprising:

initially applying a sheet of masking material on a first surface of an uninstalled glazing pane that (a) has first and second surfaces each of which has a central region and a perimeter region surrounding the central region and (b) that is sized and shaped to be installed in a frame, the masking material being sized, shaped, and positioned to cover all but two side margins of the first surface, which side margins are portions of the perimeter region; and

then removing those portions of the sheet that cover two end margins of the surface to leave the end margins uncovered, which end margins are portions of the perimeter region of the first surface, the width of each uncovered end margin being not less than the distance the first surface will extend along a facing surface of the frame when the pane is installed.

19. A method for making glazing assemblies, the method comprising:

moving a plurality of uninstalled glazing panes, edge-to-edge, along a path, the panes being sized and shaped to be received by frames;

adhering a continuous web of a masking material to coplanar surfaces of the panes as the panes move along the path; cutting the web at locations positioned such that the panes can be separated after the web is adhered; and

removing edge regions of the web so as to uncover end margins of each surface, the width of each end margin being not less than the distance the end margin will extend along a facing surface of a frame when the pane is installed in the frame.

20. The method of claim 19 comprising sizing and positioning the web such that when the web is first adhered to the panes, the entire such surface of each pane is covered by the web except for two side margins of each such surface, the width of each side margin being not less than the distance that side margin will extend along a facing surface of a frame when the pane is installed in the frame.