

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(2) is not binding precedent of the Board.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. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN Y. JADDOU

Appeal No. 95-4119
Application 08/155,877¹

ON BRIEF

Before CALVERT, COHEN and FRANKFORT, Administrative Patent Judges.

COHEN, Administrative Patent Judge.

¹ Application for patent filed November 23, 1993.

Appeal No. 95-4119
Application 08/155,877

DECISION ON APPEAL

This is an appeal from the final rejection of claims 4, 6, 7 and 10. These claims constitute all of the claims remaining in the application.

Appellant's invention pertains to a method of using a universal waving die. An understanding of the method can be derived from a reading of exemplary claim 6, a copy of which appears in the appendix to appellant's brief (Paper No. 9).

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

Wuerfel	Re 17,785	Aug. 26, 1930
Aktiebolaget (Great Britain)	888,636	Jan. 31, 1962
Sipeykin et al. (Oil) (U.S.S.R.) ²	1,523,218	Nov. 23, 1989

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.

Appeal No. 95-4119
Application 08/155,877

The following rejections are before us for review.³

Claims 4, 6, 7 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Oil in view of Aktiebolaget.

Claims 4, 6, 7 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wuerfel in view of Oil and Aktiebolaget.

The full text of the examiner's rejections and response to the argument presented by appellant appears in the answer (Paper No. 10), while the complete statement of appellant's argument can be found in the brief (Paper No. 9).

OPINION

In reaching our conclusion on the obviousness issues raised in this appeal, this panel of the board has carefully considered appellant's specification and claims, the applied teachings,⁴ and the respective viewpoints of appellant and the

³ A final rejection of appellant's claims under 35 U.S.C. § 112, first paragraph, was withdrawn by the examiner (answer, page 2).

⁴ In our evaluation of the applied teachings, we have considered all of the disclosure of each teaching for what it

Appeal No. 95-4119
Application 08/155,877

examiner. As a consequence of our review, we make the determination which follows.

We reverse each of the examiner's rejections of appellant's claims under 35 U.S.C. § 103.

We fully comprehend the respective teachings of the prior art, as applied, as well as the reasoning of the examiner as articulated in the rejections (answer, pages 3 through 6) and in the response to appellant's argument (answer, pages 6 through 9). However, as more fully explained, *infra*, this panel of the board finds that the prior art evidence relied upon does not address or suggest, for example, the plural pressing steps of appellant's method, *i.e.*, the step of "pressing" of the die assembly together to apply a loading to a deformable arcuate material to effect a deformed material with waves and the step of relaxing the loading and pressing the deformed material to a

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 the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

"flat condition."⁵ In another method step, the material is then allowed to assume a "semi-deformed" shape.

We understand appellant's statement in the brief (page 3) as calling upon the examiner to provide evidence rather than relying upon speculation as to the knowledge of or suggestion in the art for the claimed load applying period, pressure, and "sequence of pressing."

It is clear to us that the applied prior art would not have been suggestive of the now claimed method with, in particular, its plural pressing steps, as discussed above.

We appreciate the clear suggestion from the teaching of Aktiebolaget for using non-dedicated matrices (dies) with removably secured forming structure (pins) enabling the formation of differently configured work pieces. However, plural pressing steps as set forth in appellant's claim 6 are not suggested.

⁵ We are informed by the specification (page 6) that when the load is relaxed and the deformed material is pressed to a flat condition this has the effect of eliminating the high degree of springback (relax run of Figure 9).

Appeal No. 95-4119
Application 08/155,877

As to the Wuerfel patent, in particular, it addresses a method of making annular springs with alternating reversed helical formations thereon (Figure 4) and appears to us to be suggestive of replacing an integral series of opposed projections 12, 13 with structure simply placed on (secured to) the discs 6 and 7. With the Wuerfel method of making springs (page 2, lines 27 through 48), the discs of the apparatus clamp or distort spring blanks which are then subjected to suitable temperature for a sufficient length of time to permit setting of the rings in the distorted condition or shape. After cooling, the discs are removed and the rings are then in the distorted shape or condition shown in Figure 4. Once again, plural pressing steps are not suggested.

The device used in the manufacturing process of Oil (translation, page 5) for making wavy ring springs effects deforming of the work pieces 25, but after such deformation the upper plate 4 of the device is raised and the bent work pieces are removed, ostensibly as the final product. Thus, it is clear to us that the process of Oil is not suggestive of plural pressing steps, as claimed.

Appeal No. 95-4119
Application 08/155,877

Based upon the above assessments of the applied art, we determine that neither the combined teachings of Oil and Aktiebolaget nor the combined teachings of Wuerfel, Oil, and Aktiebolaget would have suggested appellant's claimed method to one having ordinary skill in the art.

In summary, this panel of the board has reversed each of the rejections of appellant's claims under 35 U.S.C. § 103.

The decision of the examiner is reversed.

REVERSED

IAN A. CALVERT)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
IRWIN CHARLES COHEN)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
CHARLES E. FRANKFORT)	
Administrative Patent Judge)	

Appeal No. 95-4119
Application 08/155,877

Appeal No. 95-4119
Application 08/155,877

Joseph W. Malleck
Ford Motor Company
Suite 911-Parkway Towers East
One Parklane Boulevard
Dearborn, MI 48126