

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEAN-MARIE M.G. PEGOURET and
FREDERIC H.F. JEAN-MARIE FLORENT

Appeal No. 1996-2256
Application No. 08/104,866¹

ON BRIEF

Before JOHN D. SMITH, GARRIS, and LIEBERMAN, Administrative Patent Judges.

GARRIS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the final rejection of claims 6, 9, 10 and 13-15 which are all of the claims pending in the application.

¹ Application for patent filed August 11, 1993.

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The subject matter on appeal relates to a process for attaching an optical fiber to a glass integrated optical component as well as to the article resulting from this process. The process comprises the steps of machining the component, subjecting the resulting machine surface to attack by an acid solution, treating the surface with a silane adhesion promoter and gluing an optical fiber to the treated surface. This appealed subject matter is adequately illustrated by independent claim 14 which reads as follows:

14. A process for attaching an optical fiber to a glass integrated optical component comprising the steps of

 machining a region of said component to expose a machined glass surface,

 subjecting said machined surface to attack by an acid solution,

 treating said surface with a silane adhesion promoter, and
 gluing an optical fiber to the treated surface.

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

Hartlein 1972	3,702,783	Nov. 14,
Deneka et al. (Deneka) 1988	4,767,430	Aug. 30,
Bilkadi et al. (Bilkadi) 26, 1994	5,307,438	Apr.

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(filed Aug. 13, 1992)

All of the claims on appeal stand rejected under 35 U.S.C. § 103 as being unpatentable over Deneka in view of Hartlein and Bilkadi.

We cannot sustain this rejection.

Deneka teaches adhering or bonding a glass fiber to a surface of a glass component (e.g., see figures 7 and 8 of the drawing and the specification disclosure relating thereto). However, the Deneka reference contains no teaching or suggestion of treating the aforementioned surface with a silane adhesion promoter as required by the claims on appeal. Concerning this deficiency, the examiner concludes that it would have been obvious for one with an ordinary level of skill in the art to treat Deneka's component surface with silanes of the type and for the reasons taught by Hartlein.

We cannot agree. As correctly pointed out by the appellants, Hartlein teaches the use of silanes to improve the bonding of siliceous surfaces, such as glass, to organic resins (e.g., see the abstract and lines 58-65 in column 2). We consider the record before us inadequate to establish that

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Hartlein's disclosure of using silanes to improve the bond of glass-to-resin would have suggested using silanes to improve the bond of glass-to-glass in Deneka's process. In re O'Farrell, 853 F.2d 894, 903, 7 USPQ2d 1673, 1680-1681 (Fed. Cir. 1988).

In short, the fact that Deneka and Hartlein are respectively directed to differing materials militates against the examiner's conclusion that the latter would have suggested modifying the former in the manner proposed with a reasonable expectation of success. For this reason, it is our ultimate determination that the examiner has failed to carry his burden of establishing a prima facie case of obviousness on the record before us. As a consequence, we cannot sustain the examiner's § 103 rejection of the appealed claims as being unpatentable over Deneka in view of Hartlein and Bilkadi.

The decision of the examiner is reversed.

REVERSED

JOHN D. SMITH

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Administrative Patent Judge)	
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)	BOARD OF PATENT
BRADLEY R. GARRIS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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PAUL LIEBERMAN)	
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APJ JOHN D. SMITH

APJ LIEBERMAN

REVERSED

Prepared: April 20, 2001