

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(2) is not binding precedent of the Board.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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte THOMAS L. PICKLE

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Appeal No. 97-2145  
Application 08/566,120<sup>1</sup>

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ON BRIEF

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Before COHEN, ABRAMS and PATE, Administrative Patent Judges.  
COHEN, Administrative Patent Judge.

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<sup>1</sup> Application for patent filed December 1, 1995.

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DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 and 4. These claims constitute all of the claims remaining in the application.

Appellant's invention pertains to a sun catcher. An understanding of the invention can be derived from a reading of claims 1 and 4, copies of which appear in the "APPENDIX" to appellant's brief (Paper No. 8).

As evidence of obviousness, the examiner has applied the single document specified below:<sup>2</sup>

Colbert et al. (Colbert)                      1,802,170                      Apr. 21, 1931

The following rejections are before us for review.<sup>3</sup>

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<sup>2</sup> No reference was set forth in section 9 of the answer (page 2). However, the listed Colbert patent is the only document of that name in the record (NOTICE OF REFERENCES CITED; attachment to Paper No. 2).

<sup>3</sup> A final rejection of claim 1 under 35 U.S.C. § 112, second paragraph, was overcome, as indicated by the examiner (answer, page 3).

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Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Colbert.

Claim 4 stands rejected under 35 U.S.C. § 103 as being unpatentable over Colbert.

The full text of the examiner's rejections and response to the argument presented by appellant appears in the answer (Paper No. 9), while the complete statement of appellant's argument can be found in the brief (Paper No. 8).

#### OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered

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appellant's specification and claims,<sup>4</sup> the applied patent,<sup>5</sup> and  
the

respective viewpoints of appellant and the examiner. As a  
consequence of our review, we make the determinations which  
follow.

We reverse each of the respective rejections of  
appellant's claims 1 and 4.

At the outset, we note that, at the time of appellant's  
invention, sun catchers formed of translucent panels with  
integral designs or pictures imprinted thereon were known in the  
art (specification, page 1).

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<sup>4</sup> We understand the term "etching-like" design in claim 1,  
in light of appellant's specification (page 3), as reflecting,  
for example, typical silk-screened pictorial displays.

<sup>5</sup> In our evaluation of the applied patent, we have  
considered all of the disclosure thereof 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 the  
disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342,  
344 (CCPA 1968).

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The sun catcher of claim 1 (kit) requires, inter alia, a light transmitting panel with an opaque outline of a design extending from a first planar surface of the panel and a detailed etching-like design on an opposed second planar surface of the panel in superposed registry with the design on the first planar surface. The sun catcher of claim 4 (formed by specified method steps) requires, inter alia, forming a light transmitting panel with a raised outline of a pictorial display on and extending outwardly from a first planar surface of the panel and with a detailed pictorial display on a second planar surface of the panel in registry with the outline on the first flat planar surface, and applying a light transmitting colored medium within the raised outline of the pictorial display on the first planar surface.

At this point, we particularly note that each of claims 1 and 4 requires the design on the second planar surface to be in "registry" with the specified outline on the first planar surface.

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A review of the Colbert patent reveals to us that the ornamental composite plate disclosed therein does not anticipate and would not have rendered obvious the now claimed sun catcher, as asserted by the examiner in the respective rejections on appeal.

The examiner considers the opaque outline 3 on a first surface of the panel (glass sheet) 1 of Colbert (Figures 2 and 4) to be in registry with the etching 9 on a second surface (answer, pages 3 and 4). We simply cannot agree with this assessment.

The word "registry," in the context used in the claims, and consistent with appellant's underlying disclosure (specification, pages 3 and 4 and Figures 1 and 2), may fairly be defined as corresponding exactly.<sup>6</sup>

With the above understanding of the claimed term "registry" in mind, we readily perceive that the disclosed spaced

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<sup>6</sup> Webster's New Collegiate Dictionary, G. & C. Merriam Company, Springfield, Massachusetts, 1979.

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relationship between the opaque outline 3 and the etching 9 of Colbert would clearly not be understood by one of ordinary skill in this art as denoting designs in "registry" with one another, as claimed. On this basis, we conclude that the only document relied upon by the examiner for establishing anticipation and obviousness fails to teach and would not have been suggestive of the invention now claimed.

In summary, this panel of the board has:

reversed the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Colbert, and

reversed the rejection of claim 4 under 35 U.S.C. § 103 as being unpatentable over Colbert.

The decision of the examiner is reversed.

REVERSED

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IRWIN CHARLES COHEN )  
Administrative Patent Judge )  
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NEAL E. ABRAMS )  
Administrative Patent Judge )  
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WILLIAM F. PATE, III )  
Administrative Patent Judge )

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