

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 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 JOHN W. FERGUSON

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Appeal No. 1998-0753  
Application No. 08/684,204

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ON BRIEF

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Before KIMLIN, OWENS and DELMENDO, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-10, all the claims in the present application. Claim 1 is illustrative:

1. A process for cutting a fiberglass panel, comprising:  
providing a fiberglass panel;

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cutting the fiberglass panel with a liquid jet to form a panel edge, said liquid jet containing a sealant, said sealant coating and adhering to the panel edge; and

curing the sealant to harden and encapsulate the edge of the fiberglass panel.

The examiner relies upon the following references as evidence of obviousness:

McCort	4,226,662	Oct. 7, 1980
Kik et al. (Kik)	4,517,248	May 14, 1985
Coleman	5,339,715	Aug. 23, 1994

Appealed claims 5 and 10 stand rejected under 35 U.S.C. § 112, second paragraph. Appealed claims 1-10 stand rejected under 35 U.S.C. § 103 as being unpatentable over McCort in view of Coleman and Kik.

Upon careful consideration of the opposing arguments presented on appeal, we will not sustain either of the examiner's rejections.

Concerning the examiner's rejection of claims 5 and 10 under § 112, second paragraph, it is the examiner's position that "the term 'educted' is unclear" (page 4 of Answer). However, we totally agree with appellant that one of ordinary skill in the art would readily understand the meaning of the criticized term when it is read in light of the present

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specification and state of the prior art. In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983); In re Moore, 439 F.2d 1232, 1235, 169 USPQ 236, 238 (CCPA 1971). Also, although the proper verb form is "educted" rather than "educted," it is well settled that an applicant may be his own lexicographer. However, we do recommend that appellant make the appropriate amendment to claims 5 and 10, as well as to the EXAMPLE at page 5 of the specification.

We now turn to the examiner's rejection of the appealed claims under § 103. While we agree with the examiner that the collective teachings of McCort and Coleman would have suggested using a water jet to cut a fiberglass panel, we cannot agree with the examiner that Kik would have suggested utilizing a liquid jet which contains a sealant coating. Although the cleaning/blasting treatment of Kik may be "similar" to cutting, as stated by the examiner, we do not find that the techniques of cleaning/blasting and cutting are sufficiently similar to have suggested appellant's inclusion of a sealant coating in a liquid jet which performs a cutting operation.

In conclusion, based on the foregoing, the examiner's decision rejecting the appealed claims is reversed.

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REVERSED

EDWARD C. KIMLIN	)	
Administrative Patent Judge	)	
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	)	
TERRY J. OWENS	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
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	)	
ROMULO H. DELMENDO	)	
Administrative Patent Judge	)	

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