

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HISAROU YAMAZAKI
and SEIICHI KUSAMA

Appeal No. 1998-0839
Application No. 08/433,206

ON BRIEF

Before PATE, MCQUADE, and NASE, Administrative Patent Judges.

PATE, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 and 7. Claims 2 through 6 stand as nonelected claims subject to a restriction requirement. These are the only claims in the application.

The claimed invention relates to a method for producing a tank for a heat exchanger such as a car radiator.

Claim 1 reproduced below is further illustrative of the claimed subject matter.

1. A method of producing a tank for a heat exchanger, comprising the steps of:

forming an annular groove of a rectangular cross-section in an open end surface of an annular skirt portion formed at an open end of the tank over an entire periphery thereof;

receiving said skirt portion in a space formed by molds so that an outer side surface and an inner side surface of said skirt portion are held by said molds;

urging said outer side surface and said inner side surface of said skirt portion toward each other by a projection formed on a surface of one of said molds facing one of said outer side surface and said inner side surface of said skirt portion, said projection being formed on a portion of said one of said molds operative to be opposed to a portion of said one of said outer side surface and said inner side surface of said skirt portion disposed in the vicinity of said open end surface;

guiding, by a guide surface (55) formed on said surface of said one of said molds having said projection and extending from a bottom of said projection to a portion of said one of said molds operative to be disposed in lateral registry with a bottom surface of said annular groove, the deformation of said one of said outer side surface and said inner side surface of said skirt portion toward said annular groove; and

injecting a seal resin into said annular groove and a seal-forming space formed in another of said molds opposed of said annular groove.

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The prior art of record relied upon by the examiner as evidence of obviousness is:

Kanai et al. (Kanai)	5,008,060	Apr. 16, 1991
Huff	5,246,065	Sep. 21,
1993		

The admitted prior art as discussed on pages 1-4 of the instant specification.

The Rejection

Claims 1 and 7 stand rejected under 35 U.S.C. § 103 as unpatentable over Huff in view of Kanai and the admitted prior art as found on pages 1 through 4 of the specification. According to the examiner, Huff discloses the basic process of molding a gasket onto a heat exchanger tank. The examiner notes that Huff uses projecting fingers 22 which are selectively heated to soften the fingers and are deformed as the gasket deformation means molds the gasket for the tank. With respect to the secondary reference, the examiner states that Kanai discloses the detailed process steps of urging and guiding as claimed in the third and fourth method steps of claim 1 on appeal. Furthermore, the examiner is relying on the admitted prior art from appellants' specification as

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evidence of the conventionality of the claimed projection means. Based on these factual findings, the examiner concludes that it would have been obvious to include urging and guiding means when performing the process set forth in the primary reference.

OPINION

We have carefully reviewed the rejection on appeal in light of the arguments of the appellants and the examiner. As a result of this review, we have determined that the applied prior art does not establish a prima facie case of obviousness with respect to claims 1 and 7 on appeal. Therefore, the rejection of these claims is reversed. Our reasons follow.

We are in agreement with the examiner that the applied prior art shows the steps of forming an annular groove; receiving the skirt portion in a space formed by molds; and urging the outer side surface or inner side surface of the skirt portion one toward the other by a projection formed on one of the molds. However, we do not find in the applied prior art the step of guiding by a guide surface, particularly where the guide surface extends from the projection in an amount equal to the depth of the annular groove. The examiner

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on page 4 of the answer and again on page 6 states that this guiding means and guiding step are obvious in view of Kanai with reference to column 3 of that patent. We do not find the particular guiding means necessary for performing the guiding step claimed by appellants in the Kanai reference in column 3 or any other location therein, nor do we find it in the admitted prior art or the Huff patent. For this reason, the applied prior art has not rendered the method of claims 1 and 7 prima facie obvious.

REVERSED

	William F. Pate)	
	Administrative Patent Judge)	
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)	
)	
	John P. McQuade)	BOARD OF
PATENT)	
	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
	Jeffrey V. Nase)	
	Administrative Patent Judge)	

WFP:tdl

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