

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(2) is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte REINHILDE P. M. BERGER

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Appeal No. 1998-0867  
Application 08/639,984

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ON BRIEF

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Before HAIRSTON, FLEMING and HECKER, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims  
1 through 10.

The disclosed invention relates to a degaussing unit that  
comprises a housing, and a disc-shaped thermistor accommodated  
within the housing. Each of two main surfaces of the

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thermistor has an electrode layer that completely covers the main surface. The electrode layers are composed of a material which comprises a silver alloy containing minimally 3 wt. % and maximally 12 wt. % zinc.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A degaussing unit comprising:

a housing; and

a disc-shaped thermistor having a positive temperature coefficient of resistance accommodated within said housing, said thermistor including an electrode layer on each of two main surfaces thereof and being clamped between two contact springs via the electrode layers, wherein the electrode layers completely cover the main surfaces and are composed of a material which comprises a silver alloy containing minimally 3 wt. % and maximally 12 wt. % zinc, the material having been applied directly on to the two main surfaces of said thermistor by means of screen printing.

The references relied on by the examiner are:

Kahn	3,716,407	Feb.
13, 1973		
Belhomme	4,357,590	Nov. 2,
1982		

Claims 1 through 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Belhomme in view of Kahn.

Reference is made to the brief and the answer for the

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respective positions of the appellant and the examiner.

OPINION

Appellant argues (Brief, page 3 through 5) that all of the claims on appeal recite electrode layers that "completely cover" the main surfaces of the thermistor, that the material of the electrode layers comprises a silver alloy "containing minimally

3 wt. % and maximally 12 wt. % zinc," and that the applied prior art neither teaches nor would have suggested the same.

The examiner states (Answer, page 3) that Belhomme discloses "[e]lectrode layers 11 in Fig. 2 completely cover the thermistor 2," and that "[t]he electrodes 11 contain silver." The examiner also states that "Kahn discloses silver/zinc electrodes at the claimed ratio in col. 2, lines 5-18, and Example I." Based upon the teachings of Belhomme and Kahn, the examiner concludes (Answer, page 4) that "[i]t would have been obvious in view of Kahn to employ directly applied zinc/silver electrodes in the device of Belhomme at the claimed ratio where Kahn teaches that the electrodes are low in contact resistance and both Belhomme and Kahn disclose similar thermistor materials and electrodes having silver."

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We agree with the examiner that Belhomme and Kahn disclose thermistor electrodes having silver. We do not, however, agree with the examiner that "Kahn discloses silver/zinc electrodes at the claimed ratio." In Kahn, the thermistor electrode uses a fixed weight of 13.7% zinc (column 3, lines 56 through 59) which is outside the claimed maximum weight percent of zinc. The examiner has likewise mistakenly concluded that the electrode layers 11 in Belhomme "completely cover" the thermistor 2. Belhomme specifically states (column 2, lines 1 through 5) that the metallized electrode layers 11 are "on substantially the entire surface area" of the thermistor. A metal that "substantially" [covers] the entire surface area of a thermistor differs from a metal that "completely covers" the surface of the thermistor.

In summary, the obviousness rejection of claims 1 through 10 is reversed because "the combined teachings of Belhomme and Kahn do not lead to the present invention" (Brief, page 5).

DECISION

The decision of the examiner rejecting claims 1 through 10 under 35 U.S.C. § 103(a) is reversed.

REVERSED

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KENNETH W. HAIRSTON	)	)
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
STUART N. HECKER	)	
Administrative Patent Judge	)	

KWH:hh

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