

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID BROGER and HEINZ CLEMENT

Appeal No. 1998-1562
Application No. 08/611,416¹

ON BRIEF

Before COHEN, FRANKFORT, and NASE, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 6, 8 and 16 to 22. Claims 7 and 9 to 15 have been withdrawn from consideration under 37 CFR § 1.142(b) as being drawn to a nonelected invention.

We AFFIRM-IN-PART.

¹ Application for patent filed March 5, 1996.

BACKGROUND

The appellants' invention relates to an apparatus for changing a lap. An understanding of the invention can be derived from a reading of exemplary claim 1, which appears in the appendix to the appellants' brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Smith 1977	4,005,830	Feb. 1,
Johannsson 1981	4,298,173	Nov. 3,
Eichenberger et al. 17, 1992 (Eichenberger)	5,096,135	Mar.

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the appellants regard as the invention.

Claims 1, 16 to 18 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eichenberger.

Claims 1, 2, 21 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Johannsson.

Claims 2 to 6 and 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Eichenberger in view of Johannsson.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Eichenberger in view of Smith.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 29, mailed June 23, 1997) for the examiner's complete reasoning in support of the rejections, and to the appellants' brief (Paper No. 28, filed March 5, 1997) and reply brief (Paper No. 30 1/2, filed August 26, 1997) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and

claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

The indefiniteness issue

We will not sustain the rejection of claim 20 under 35 U.S.C. § 112, second paragraph.

Claims are considered to be definite, as required by the second paragraph of 35 U.S.C. § 112, when they define the metes and bounds of a claimed invention with a reasonable degree of precision and particularity. See In re Venezia, 530 F.2d 956, 958, 189 USPQ 149, 151 (CCPA 1976).

The examiner determined (answer, p. 4) that claim 20² was indefinite since it was incomplete "because it omits

² Claim 20 reads as follows:

The combination as set forth in claim 19 which further comprises a pair of stops, each stop being disposed in a path of movement of a respective gripper element to move said respective gripper element from a holding position gripping a tube to a release position to release a tube therefrom.

recitation of essential elements, steps, or necessary structural cooperation between the elements." The examiner stated with respect to claim 20 that "it is not clear how the elements are configured and how they cooperate; also it is not clear what constitute the holding and release positions."

The appellants argue (brief, pp. 6-8 and reply brief, pp. 1-2) that the rejection of claim 20 as being indefinite is not warranted. We agree. Initially, we note that this rejection is under the second paragraph of 35 U.S.C. § 112 and thus, the issue before us is whether claim 20 defines the metes and bounds of the claimed invention with a reasonable degree of precision and particularity. We have reviewed claim 20 and fail to see any basis for the examiner's determination that claim 20 omits recitation of essential elements, steps, or necessary structural cooperation between the elements. In that regard, the mere breadth of a claim does not in and of itself make a claim indefinite.³ In any event, it is our view

³ Breadth of a claim is not to be equated with indefiniteness. See In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971).

that claim 20 does set forth a cooperative relationship of the elements recited. In addition, the examiner has failed to cite any passage of the specification or in other statements of record that would establish that any **essential** element or step has been omitted from claim 20 under appeal. The mere fact that other elements or steps have been disclosed does not render each and every element or step thereof an **essential** element or step. In view of the above, we conclude that claim 20 does define the metes and bounds of the claimed invention with a reasonable degree of precision and particularity.

For the reasons stated above, the decision of the examiner to reject claim 20 under 35 U.S.C. § 112, second paragraph, is reversed.⁴

The anticipation issues

We will not sustain the rejection of claims 1, 16 to 18 and 21 under 35 U.S.C. § 102(b) as being anticipated by

⁴ The issues raised by the examiner as to how the elements are configured and how they cooperate will be considered by this panel of the Board below.

Eichenberger. We sustain the rejection of claims 1, 2 and 22 under 35 U.S.C.

§ 102(b) as being anticipated by Johannsson, but not the rejection of claim 21.

Initially we note that anticipation by a prior art reference does not require either the inventive concept of the claimed subject matter or the recognition of inherent properties that may be possessed by the prior art reference. See Verdegaal Bros. Inc. v. Union Oil Co., 814 F.2d 628, 633, 2 USPQ2d 1051, 1054 (Fed. Cir.), cert. denied, 484 U.S. 827 (1987). A prior art reference anticipates the subject of a claim when the reference discloses every feature of the claimed invention, either explicitly or inherently (see Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984)); however, the law of anticipation does not require that the reference teach what the appellants are claiming, but only that the claims on appeal "read on" something disclosed in the reference (see Kalman v. Kimberly-Clark Corp., 713 F.2d

760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied,
465 U.S. 1026 (1984)).

Claim 1 on appeal reads as follows:

In combination, a lap processing machine having a working position for receiving and unwinding a lap roll thereat and a reserve position for receiving a reserve lap roll; and means for moving said reserve lap roll from said reserve position to said working position, said means being pivotally mounted to move with a received reserve lap [sic, roll] thereon towards said working position to move the received reserve lap roll from said reserve position towards said working position in an arcuate manner during pivoting of said means.

Rejection as anticipated by Eichenberger

We agree with the appellants' argument (brief, pp. 8-10 and reply brief, pp. 2-4) that claim 1 is not anticipated by Eichenberger. In that regard, we agree with the appellants that Eichenberger's receiving device 6⁵ is not pivotally mounted to move with a received reserve lap roll thereon **towards** the working position. Contrary to the position set

⁵ Eichenberger's receiving device 6, including struts 14 and 14a and rods 16 and 17, is pivotable about a pivot axis 15 as shown in Figure 2.

forth by the examiner (answer, pp. 8-10), it is our view that when Eichenberger's receiving device 6 pivots from its full line position (i.e., supporting a lap roll 7 in a reserve position) shown in Figure 2 to its phantom position shown in Figure 2, the receiving device 6 does not move **towards** the working position (i.e., the position of the lap roll shown on rolls 32 and 33).

Since all the limitations of independent claim 1, as well as claims 16 to 18 and 21 dependent thereon, are not disclosed in Eichenberger for the reason set forth above, the decision of the examiner to reject claims 1, 16 to 18 and 21 under 35 U.S.C.

§ 102(b) as being anticipated by Eichenberger is reversed.

Rejection as anticipated by Johannsson

We agree with the examiner (answer, pp. 5 and 10) that claim 1 is anticipated by Johannsson. In that regard, claim 1 is readable on Johannsson's apparatus as follows: a lap processing machine (the unwound paper web 19 is led by funnel 28 to some type of further processing) having a working position for receiving and unwinding a lap roll thereat (the position of the leftmost core 18 with paper web 19 rolled up thereon resting against stop device 17 as shown in the Figure) and a reserve position for receiving a reserve lap roll (the position of the core 18 with paper web 19 rolled up thereon resting against flap 24 and arm 27 as shown in the Figure); and means for moving said reserve lap roll from said reserve position to said working position (flap 24 and piston and cylinder assembly 25), said means being pivotally mounted to move with a received reserve lap [sic, roll] thereon towards said working position to move the received reserve lap roll from said reserve position towards said working position in an arcuate manner during pivoting of said means (when flap 24 is pivoted from its full line position shown in the Figure to its phantom position shown in the Figure it moves together with

the core 18 and paper web 19 thereon **toward** the working position in an arcuate manner during its pivoting movement).

The appellants' argue (brief, pp. 11-12) that claim 1 is not anticipated by Johannsson. Specifically, the appellants argue that (1) Johannsson is not directed to a lap processing machine, and (2) Johannsson lacks the claimed "means for moving." We do not agree.

As set forth above, the claimed "means for moving" is readable on the apparatus disclosed by Johannsson. In addition, the claimed "lap processing machine" is also readable on the apparatus disclosed by Johannsson.⁶ In that regard, it is axiomatic that, in proceedings before the PTO, claims in an application are to be given their broadest reasonable interpretation consistent with the specification, and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983). Moreover, limitations are not to

⁶ We note that the appellants provided no evidence or reasoning to support their argument that Johannsson is not directed to a lap processing machine.

be read into the claims from the specification. In re Van Geuns, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993) citing In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). The pertinent definition of "lap" from Webster's New Collegiate Dictionary, (1979) is "a doubling or layering of a flexible substance (as fibers or paper)." It is our determination that the broadest reasonable interpretation one of ordinary skill in the art would give to "lap processing machine" consistent with the specification is a machine that processes laps unwound from a roll thereof. It is appropriate in our view to consider

(1) Johannsson's cores 18 with paper webs wound thereon to be "lap rolls," and (2) Johannsson's processing machine to which the unwound paper web 19 is led by funnel 28 to be "a lap processing machine."

For the reasons stated above, the decision of the examiner to reject claim 1 under 35 U.S.C. § 102(b) is affirmed.

The appellants have grouped claims 1 and 2 as standing or falling together.⁷ Thereby, in accordance with 37 CFR § 1.192(c)(7), claim 2 falls with claim 1. Thus, it follows that the decision of the examiner to reject claim 2 under 35 U.S.C. § 102(b) is also affirmed.

Turning next to claim 21, we agree with the appellants' argument (brief, p. 13) that claim 21 is not anticipated by Johannsson. In that regard, we agree with the appellants that the limitation "said reserve position is spaced from said working position a distance which would permit a reserve lap roll in said reserve position to overlap^[8] with a full lap roll in said working position" is not disclosed by Johannsson. Specifically, the presence of Johannsson's flap 24 as shown in

⁷ See page 6 of the appellants' brief.

⁸ The term "overlap" as used in claim 21 does not mean that the reserve lap roll physically overlaps the working lap roll but instead means that the virtual position of a full reserve lap roll would overlap the virtual position of a full working lap roll as set forth on page 22, lines 15-22, of the specification.

the Figure prevents the reserve lap roll from "overlapping" with the working lap roll.

Since all the limitations of claim 21 are not disclosed in Johannsson for the reason set forth above, the decision of the examiner to reject claim 21 under 35 U.S.C. § 102(b) as being anticipated by Johannsson is reversed.

Turning now to claim 22, we agree with the examiner (answer, pp. 5 and 10) that claim 22 is anticipated by Johannsson.

The appellants argue (brief, pp. 13-14) that Johannsson lacks the recited "trough for receiving a lap roll thereon and at least one arm secured at one end to said trough and pivotally mounted at an opposite end about a pivot axis spaced from and below said trough." We do not agree. As clearly shown in the Figure, Johannsson's flap (i.e., the claimed trough) is connected to the piston rod of the piston and cylinder assembly 25 by an arm which is secured at one end to the flap 24. The opposite end of the arm is shown as being

pivotally connected to the piston rod. The pivot axis of this pivot connection is spaced from and below the flap as shown in the Figure. Accordingly, claim 22 is readable on the apparatus of Johannsson.

For the reasons stated above, the decision of the examiner to reject claim 22 under 35 U.S.C. § 102(b) as being anticipated by Johannsson is affirmed.

The obviousness issues

We sustain the rejection of claims 2 to 4 and 8 under 35 U.S.C. § 103 as being unpatentable over Eichenberger in view of Johannsson, but not the rejection of claims 5 and 6. We will not sustain the rejection of claims 19 and 20 under 35 U.S.C.

§ 103 as being unpatentable over Eichenberger in view of Smith.

As to claims 2 to 4 and 8, the appellants argue (brief, p. 14) only with respect to claim 3 that the recited "at least a pair of arms secured to said trough and pivotally mounted on

a common pivot axis" as well as "a piston and cylinder unit pivotally connected to and between at least one of said arms and said lap processing machine for pivoting said arms about said axis" is not taught or suggested by the applied prior art (i.e., Eichenberger and Johannsson). We do not agree.

Initially we note that while there must be some teaching, reason, suggestion, or motivation to combine existing elements to produce the claimed device, it is not necessary that the cited references or prior art specifically suggest making the combination (see B.F. Goodrich Co. v. Aircraft Braking Systems Corp., 72 F.3d 1577, 1583, 37 USPQ2d 1314, 1319 (Fed. Cir. 1996) and In re Nilssen, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988)) as the appellants would apparently have us believe. Rather, the test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. See In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991) and In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981).

Moreover, in evaluating such references it is proper to take into account not only the specific teachings of the references but also the inferences which one skilled in the art would

reasonably be expected to draw therefrom. In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

In this case, after considering the collective teachings of Eichenberger and Johannsson, it is our opinion that it would have been obvious to one of ordinary skill in the art at the time of the appellants' invention to have modified Eichenberger's transport truck 1 by replacing pivoting receiving device 6 with a flap operated by a piston and cylinder unit as taught by Johannsson, to supply rolls to the working position in Eichenberger's lap processing machine. In this instance, it is our view that simplified feeding of reserve rolls to the working position taught by Johannsson would have provided the necessary motivation for one of ordinary skill in the art to have modified Eichenberger's apparatus.

Thus, the combined teachings of Eichenberger and Johannsson would have suggested connecting a piston and cylinder unit to cause the pivoting of Eichenberger's receiving device 6 and to locate the reserve position at a

much higher position above the working position so that Eichenberger's receiving device 6 must pivot a greater distance to release the lap roll as suggested and taught by Johannsson.

For the reasons stated above, the decision of the examiner to reject claims 2 to 4 and 8 under 35 U.S.C. § 103 is affirmed.

As to claims 5 and 6, the appellants argue (brief, pp. 14-15) that the recited "blocking element for selectively blocking movement of said arms towards said working position" is not taught or suggested by the applied prior art (i.e., Eichenberger and Johannsson). We agree.

The examiner (answer, p. 6) states that the blocking element "is inherent in the moving means of Johannsson since the moving means is stopped at the requisite positions." We do not agree. While the apparatus of Johannsson may inherently have some means for stopping Johannsson's moving means at the requisite positions, this does not equate to a

blocking element for selectively blocking movement of the arms towards the working position. Furthermore, Johannsson even lacks the claimed arms. While Eichenberger teaches a locking or fastening device 22 (i.e., blocking element) to retain the struts 14 and 14a (i.e., arms) in position, it is our view that when Eichenberger's apparatus has been modified by the teachings of Johannsson as set forth above, the locking or fastening device 22 would have been eliminated as being unnecessary as in Johannsson's system.

For the reasons stated above, the decision of the examiner to reject claims 5 and 6 under 35 U.S.C. § 103 is reversed.

As to claims 19 and 20, since the combined teachings of the applied prior art (i.e., Eichenberger and Smith) are not suggestive of the features recited in parent claim 1, the decision of the examiner to reject claims 19 and 20 under 35 U.S.C. § 103 is reversed. As noted above, Eichenberger does not teach having the receiving device 6 move **towards** the working position. Smith would not have been suggestive of

modifying Eichenberger to have the receiving device 6 move **towards** the working position. Thus, the subject matter of claims 19 and 20 would not have been obvious from the teachings of Eichenberger and Smith.

New grounds of rejection

Under the provisions of 37 CFR § 1.196(b), we enter the following new grounds of rejection.

Claim 20⁹ is rejected under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and/or use the invention, i.e., failing to provide an enabling disclosure.

The test for enablement is whether one skilled in the art could make and use the claimed invention from the disclosure coupled with information known in the art without undue

⁹ Claim 20 recites "a pair of stops, each stop being disposed in a path of movement of a respective gripper element to move said respective gripper element from a holding position gripping a tube to a release position to release a tube therefrom."

experimentation. See United States v. Telectronics, Inc., 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988), cert. denied, 109 S.Ct. 1954 (1989); In re Stephens, 529 F.2d 1343, 1345, 188 USPQ 659, 661 (CCPA 1976).

Thus, the dispositive issue is whether the appellants' disclosure, considering the level of ordinary skill in the art as of the date of the appellants' application, would have enabled a person of such skill to make and use the appellants' invention without undue experimentation. The appellants disclose (specification, pp. 14-15 and 20-21 and Figures 1, 5 and 6) that when each gripper element (i.e., lock 32) comes into contact with the inclination zone 42 of each stop 41, it is swivelled inwardly into the bearing element into the bearing element 35 (i.e., from a holding position gripping a tube to a release position to release a tube therefrom). However, it is not apparent to us or the examiner¹⁰ as to how each gripper element (i.e., lock 32) can pivot from its phantom lined position shown in Figure 6 (i.e., the holding

¹⁰ Note the specifics of the examiner's rejection of claim 20 under 35 U.S.C. § 112, second paragraph, set forth above.

position gripping a tube) to its full lined position shown in Figure 6 (i.e., the release position to release a tube therefrom). Our problem resides in the fact that the tube 15 is gripped between the gripper element (i.e., lock 32) and the conical bolt 33 and therefore the tube 15 itself would prevent the gripper element (i.e., lock 32) from pivoting from its phantom lined position to its full lined position shown in Figure 6.

Factors to be considered in determining whether a disclosure to be enabling would require undue experimentation include

(1) the quantity of experimentation necessary, (2) the amount of direction or guidance presented, (3) the presence or absence of working examples, (4) the nature of the invention, (5) the state of the prior art, (6) the relative skill of those in the art, (7) the predictability or unpredictability of the art, and (8) the breadth of the claims.¹¹

¹¹ See In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988) citing Ex parte Forman, 230 USPQ 546, 547 (Bd. Pat. App. & Int. 1986).

We consider factor (1) the quantity of experimentation necessary to be more than routine, factors (2) the amount of direction or guidance presented and (3) the presence or absence of working examples is minimal since the specification does not provide much guidance, and factor (4) the nature of the invention is a gripper utilized in a lap processing machine to eject spent cores from the working position of the machine. Factors (5) the state of the prior art and (6) the relative skill of those in the art are shown by the teachings of the applied prior art in this case (i.e., Eichenberger, Johannsson and Smith). With regard to factor (7) the predictability or unpredictability of the art, we find this art to be predictable. Lastly, with respect to factor (8) the breadth of the claims, we find claim 20 to encompass variants of gripper elements.

In weighing these factors in this case, we conclude that subject matter of claim 20 is not enabled since one skilled in the art would have been unable to make and use the appellants' invention without undue experimentation.

Claims 1, 16 to 18 and 22 are rejected under 35 U.S.C. § 103 as being unpatentable over Eichenberger in view of Johannsson for the reasons set forth above with respect to claims 2 to 4 and 8. In addition, with regard to claims 16 to 18, we note Eichenberger's ejection device 35 and receiver trough 21 which has an inclined feed member 23. With regard to claim 22, we incorporate our discussion of Johannsson above with respect to the rejection under 35 U.S.C. § 102(b).

Claims 19 and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over Eichenberger in view of Johannsson as applied to claim 16 above, and further in view of Smith. It would have been further obvious to one of ordinary skill in the art at the time the invention was made to have replaced the ejection device 35 of Eichenberger with the gripping transfer arms 22 as suggested and taught by Smith to more positively engage and move the tubes as set forth by the examiner on page 7 of the answer.¹²

¹² In this appeal, the appellants have not contested the modification of Eichenberger by Smith's teachings. The only argument set forth by the appellants with respect to claims 19 and 20 was that Eichenberger lacks the structure set forth by

CONCLUSION

To summarize, the decision of the examiner to reject claim 20 under 35 U.S.C. § 112, second paragraph, is reversed; the decision of the examiner to reject claims 1, 16 to 18 and 21 under 35 U.S.C. § 102(b) as being anticipated by Eichenberger is reversed; the decision of the examiner to reject claims 1, 2, 21 and 22 under 35 U.S.C. § 102(b) as being anticipated by Johannsson is affirmed with respect to claims 1, 2 and 22 but is reversed with respect to claim 21; the decision of the examiner to reject claims 2 to 4 and 8 under 35 U.S.C. § 103 is affirmed; the decision of the examiner to reject claims 5, 6, 19 and 20 under 35 U.S.C. § 103 is reversed; and new rejections of claims 1, 16 to 20 and 22 have been added pursuant to provisions of 37 CFR § 1.196(b).

In addition to affirming the examiner's rejection of one or more claims, this decision contains a new ground of rejection pursuant to 37 CFR § 1.196(b)(amended effective Dec.

claim 19.

1, 1997, by final rule notice, 62 Fed. Reg. 53131, 53197 (Oct. 10, 1997), 1203 Off. Gaz. Pat. Office 63, 122 (Oct. 21, 1997)). 37 CFR § 1.196(b) provides, "A new ground of rejection shall not be considered final for purposes of judicial review."

Regarding any affirmed rejection, 37 CFR § 1.197(b) provides:

(b) Appellant may file a single request for rehearing within two months from the date of the original decision

37 CFR § 1.196(b) also provides that the appellants, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of proceedings (37 CFR § 1.197(c)) as to the rejected claims:

(1) Submit an appropriate amendment of the claims so rejected or a showing of facts relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the application will be remanded to the examiner. . . .

(2) Request that the application be reheard under § 1.197(b) by the Board of Patent Appeals and Interferences upon the same record. . . .

Should the appellants elect to prosecute further before the Primary Examiner pursuant to 37 CFR § 1.196(b)(1), in order to preserve the right to seek review under 35 U.S.C. §§ 141 or 145 with respect to the affirmed rejection, the effective date of the affirmance is deferred until conclusion of the prosecution before the examiner unless, as a mere incident to the limited prosecution, the affirmed rejection is overcome.

If the appellants elect prosecution before the examiner and this does not result in allowance of the application, abandonment or a second appeal, this case should be returned to the Board of Patent Appeals and Interferences for final action on the affirmed rejection, including any timely request for rehearing thereof.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART; 37 CFR § 1.196(b)

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
CHARLES E. FRANKFORT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
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JEFFREY V. NASE)	
Administrative Patent Judge)	

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APPEAL NO. 1998-1562 - JUDGE NASE
APPLICATION NO. 08/611,416

APJ NASE

APJ COHEN

APJ FRANKFORT

DECISION: **AFFIRMED-IN-PART;**
37 CFR § 1.196(b)

Prepared By: Gloria Henderson

DRAFT TYPED: 02 Mar 99

FINAL TYPED: