

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DIETER UNRATH

Appeal No. 1998-1730
Application 08/577,583

ON BRIEF

Before CALVERT, Administrative Patent Judge, MCCANDLISH, Senior Administrative Patent Judge, and MCQUADE, Administrative Patent Judge.

CALVERT, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 to 4 and 6, all the claims remaining in the application.

The appealed claims are drawn to a method for manufacturing a filter insert, and are reproduced in Appendix A of appellant's brief.

The references applied in the final rejection are:

Layte

2,663,660

Dec. 22, 1953

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Michaelis et al.
(Michaelis)

5,167,740

Dec. 1, 1992

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Claims 1 to 4 and 6 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over Michaelis in view of Layte.

On June 5, 1997, the examiner issued an Advisory Action (Paper No. 9) stating that the amendment filed on May 13, 1997 (Paper No. 8) would be entered upon the filing of an appeal. In that amendment, part (4) of claim 1 was amended by adding the following language:

wherein the sealing bands are melted in a linear fashion to bond the sealing bands to the outer edges of the folded pack, and wherein at least two straight-line bonding beads, running parallel to one another, are formed along each outer edge of the folded pack and bound at least one substantially uncompressed section.

Appellant argues in the brief (page 7) that there is no disclosure in Michaelis or Layte of straight-line bonding beads bounding a substantially uncompressed section, as recited in the above-quoted language.

The examiner has not responded to this argument. Even assuming that it would have been obvious to modify Michaelis in view of Layte as the examiner proposes, the examiner does not point out, nor do we find, where in either of these references there is anything which would teach or suggest the claimed formation of at least two straight-line bonding beads along each

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outer edge of the folded pack and bounding at least one substantially uncompressed section.

Accordingly, the rejection of claim 1, and of claims 2 to 4 and 6 dependent thereon, will not be sustained.

Conclusion

The examiner's decision to reject claims 1 to 4 and 6 is reversed.

REVERSED

Ian A. Calvert)	
Administrative Patent Judge)	
)	
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Harrison E. McCandlish, Senior)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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John P. McQuade)	
Administrative Patent Judge)	

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