

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 38

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAHIRO MATSUMOTO and NOBUHIRO USUI

Appeal No. 1999-0899
Application No. 08/654,752

ON BRIEF

Before CALVERT, NASE, and JENNIFER D. BAHR, Administrative Patent Judges.

CALVERT, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 13 to 19, all the claims remaining in the application.

The claims on appeal are drawn to a method of manufacturing an instrument panel and, except for the errors noted on page 2 of

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the examiner's answer, are reproduced in the appendix of appellants' brief.

The references applied in the final rejection are:

Strapazzini 1992	5,091,031	Feb. 25,
Salerno et al. (Salerno) 24, 1983	4,385,025	May
Idetsuki et al. (Idetsuki) 1988 ¹ (Japanese Kokai)	63-78716	Apr. 8,

The appealed claims stand finally rejected on the following grounds:

- (1) Claims 13 to 19, unpatentable for failure to comply with 35 U.S.C. § 112, second paragraph;
- (2) Claims 13 to 19, unpatentable over Strapazzini in view of Idetsuki, under 35 U.S.C. § 103;
- (3) Claims 13 to 19, unpatentable over Strapazzini in view of Salerno, under 35 U.S.C. § 103.

REJECTION (1)

The examiner considers claim 13 to be indefinite in that

¹ A translation of this reference, prepared for the PTO, is forwarded to appellants herewith.

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(a) "the other of said molds" (lines 11 and 12)² lacks positive antecedent basis, and (b) claim 19 to be indefinite because "by only shot of melt resin" (lines 1 and 2) is unclear.

(a) Claim 13

The test for compliance with 35 U.S.C. § 112, second paragraph, is "whether a claim reasonably apprises those of skill in the art of its scope." In re Warmerdam, 33 F.3d 1354, 1361, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). Claim 13 recites, in lines 8 to 12, "a pair of male and female molds," "one of said molds," and "the other of said molds." In this context, it is not evident to us how one of ordinary skill could reasonably have any doubt as to what previously-recited structure "the other of said molds" was intended to refer.

The rejection of claim 13 will not be sustained.

(b) Claim 19

On page 8 of the brief, appellants do not disagree with

² Claim lines referred to herein are numbered from the lines of the claim copies in the appendix of appellants' brief.

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the examiner's rejection of claim 19. The rejection of this claim will therefore be summarily sustained.

REJECTION (2)

The Strapazzini patent discloses a method of making an instrument panel (dashboard (col. 5, line 51)) in which the panel is formed in a mold 35, 37, using a skin material 18 and plastic material. As shown in Fig. 16, the upper mold half 37 may include a sub-cavity portion 41 for molding a bracket integrally with the substrate (col. 4, lines 64 to 67).

On page 4 of the brief, the examiner recognizes that Strapazzini differs from the method recited in claim 13 in that:

Strapazzini does not disclose that the bracket has at least one perforation, providing a protrusion in a bracket formation portion with a size corresponding to the at least one perforation, and the other mold having a corresponding concavity for receiving the protrusion.

However, the examiner then finds that:

regarding the limitation that the bracket have at least one perforation, it is well-known and conventional practice to provide brackets with some form of perforation such that the brackets can perform the function for which they are

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conventionally used and intended to be used; and, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided a bracket having at least one perforation for use with the panel in the method of Strapazzini for the purpose of attaching the [instrument] panel to an automotive interior.

Appellants do not dispute this finding by the examiner.

With regard to the use of a protrusion and corresponding concavity on the molds for forming the perforation in the bracket, as recited, the examiner turns to Idetsuki, concluding at pages 4 to 5 of the answer that:

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in the method of Strapazzini that mold (35) have protrusions which project into the subcavities (41) and (42) (bracket formation portion) upon closure of the male and female molds and thus form protrusions in the injected molding material because [Idetsuki] teaches that such mold designs are known for providing protrusions; and, it would have been obvious to have provided such design features in the molding apparatus of Strapazzini for the benefit of providing protrusions.

Idetsuki discloses a method for molding items such as interior trim parts of vehicles (page 3, lines 11 and 12)³ in which a layer of decorating material 11 over which material 21

³ All references herein to Idetsuki by page and line are to the pages and lines of the translation.

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is to be molded is held in place in mold 1 by a barrier plate 7 of "strip metal-like magnets" (page 7, lines 8 to 11), the decorating material 11 having iron powder (page 6, lines 17 to 20) at its edge to enable the magnetic barrier plate 7 to hold

it in place. It appears that the barrier plate 7 encircles the area of the mold in which the decorating material 11 is located, and when the mold is closed, the barrier plate forms a dent 23 at the edge of the decorating material 11, as well as in material 22 (Fig. 2 and page 7, lines 16 to 24).

Given the disclosure of Idetsuki as outlined above, we do not consider that one of ordinary skill would find therein any teaching or suggestion to form a perforation in the bracket 46 of Strapazzini in the manner recited in claim 13. While Idetsuki does disclose a protrusion 7 on one of the molds 1, the protrusion does not form a perforation in the material being molded, but only dents it. Thus, one of ordinary skill would not, in our view, derive from Idetsuki any teaching of forming a perforation in the material being molded.

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Rejection (2) therefore will not be sustained.

REJECTION (3)

In this rejection, the examiner alternatively applies Salerno as teaching the provision of protrusions and concavities on the mold halves for the purpose of forming perforations in a molding process; as the examiner states at page 8 of the brief, one of ordinary skill would have been motivated to form the perforations during molding in order to reduce costs and processing time.

We agree with the examiner to the extent that we consider that, in view of Salerno's disclosure of forming the mounting holes 5 during molding of the parts 4, it would have been obvious to form the mounting holes in the bracket(s) 46 of Strapazzini during molding of the instrument panel. However, we will not sustain the rejection because we agree with appellants that even if Strapazzini and Salerno were combined, the claimed method would still not be met (brief, page 6).

Claim 13 requires that one of the (male or female) molds have a protrusion and the other of the molds have a corresponding concavity, "whereby . . . said at least one

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perforation is formed as a result of fitting the protrusion with the corresponding cavity" (lines 16 to 18). Although the perforations 5 of Salerno are formed in this fashion, i.e., by protrusions 68 on one mold 36 fitting into corresponding concavities 70 in the other mold 38, one of ordinary skill would not have found it obvious to so form a perforation in the bracket 46 of Strapazzini, because in the Strapazzini apparatus the bracket cavity 41 is not located at the junction between the molds 35, 37, but rather is at the top of the upper mold cavity 38. While it might have been obvious to utilize some type of retractable "protrusion" (mandrel) to form the perforation in Strapazzini's bracket, such a protrusion, and any corresponding concavity, would both be on mold 35, rather than each being on a separate mold, as claimed. Thus, any method which one of ordinary skill would derive from modifying Strapazzini in view of Salerno would not include all the limitations of claim 13.

Accordingly, rejection (3) will not be sustained.

CONCLUSION

The examiner's decision (i) to reject claims 13 to 19

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under

35 U.S.C. § 112, second paragraph, is affirmed as to claim 19
and

reversed as to claims 13 to 18, and (ii) to reject claims 13
to 19 under 35 U.S.C. § 103 is reversed.

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

IAN A. CALVERT)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JEFFREY V. NASE)	
Administrative Patent Judge)	APPEALS AND
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)	INTERFERENCES
)	
JENNIFER D. BAHR)	
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