

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VINH V. HA and JEFF J. LIN

Appeal No. 1999-1713
Application No. 08/716,037

ON BRIEF

Before KIMLIN, OWENS and DELMENDO, Administrative Patent Judges.
KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 15-24, all the claims remaining in the present application. Claim 15 is illustrative:

15. A method for compressing a viscous material through openings in a stencil comprising, the steps of,

(a) directing a viscous material into a housing terminating in a compression head cap configured to achieve a substantially flush union with the stencil to provide a contained pressurized environment for the viscous material so as to force the viscous

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material through the openings in the stencil and wherein the compression head cap comprises front and back blades;

(b) placing the compression head cap in substantially flush union with the stencil having openings therein; and

(c) applying pressure against the viscous material sufficient to force it from the housing via the compression head cap so that pressure in the contained pressurized environment forces the viscous material through the openings of the stencil.

The examiner relies upon the following references as evidence of obviousness:

Schoenthaler et al. (Schoenthaler)	4,622,239	Nov. 11, 1986
Billow et al. (Billow)	5,234,330	Aug. 10, 1993

Appealed claims 15-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Schoenthaler. Claims 21-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Schoenthaler in view of Billow.

Upon careful consideration of the opposing arguments presented on appeal, we will not sustain the examiner's rejections. In essence, we concur with the reasoning set forth by appellants in support of the legal conclusion that the examiner has not established a prima facie case of obviousness.

We agree with appellants that Schoenthaler does not teach or suggest applying pressure against a viscous material that is contained in a pressurized environment which forces the viscous

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material through the openings of a stencil. As explained by appellants, the thrust of Schoenthaler's invention is the use of a pair of elastomeric blades, rather than a single blade, to force the viscous material into the stencil openings.

Schoenthaler utilizes pressure simply to dispense the viscous material into the working area, where it is subsequently urged into the stencil openings by the force applied by the blades.

The examiner contends that without the downward pressure applied in the Schoenthaler device, "deposition of the viscous paste through the stencil openings would not occur" (page 8 of Answer, first paragraph). The examiner cites column 6, lines 18-23 of Schoenthaler for expressly teaching that "without actuation of the pressure means, dispensing of the paste is terminated" (Id.). However, the examiner's reasoning is correct only in a philosophical sense, i.e., deposition of the paste through the openings would not occur if the paste was first not dispensed. Likewise, the paste would not be deposited through the stencil openings if it was not first formulated. Manifestly, although formulating the paste in a kettle and dispensing it under pressure into the work area are prerequisites for forcing the paste through the stencil openings, it cannot be gainsaid

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that such prerequisite steps do not meet the claimed requirement of forcing the paste through the stencil openings.

Billow, cited by the examiner in the rejection of dependent claims 21-24, does not meet the basic deficiency of Schoenthaler discussed above.

In conclusion, based on the foregoing, the examiner's decision rejecting the appealed claims is reversed.

REVERSED

EDWARD C. KIMLIN)	
Administrative Patent Judge)	
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TERRY J. OWENS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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ROMULO H. DELMENDO)	
Administrative Patent Judge)	

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