

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. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL J. SULLIVAN  
ROBERT A. WEISS and MICHELLE BELLINGER

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Appeal No. 2002-0322  
Application 08/681,870

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ON BRIEF

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Before WARREN, KRATZ and PAWLIKOWSKI, *Administrative Patent Judges*.

WARREN, *Administrative Patent Judge*.

*Decision on Appeal*

This is an appeal under 35 U.S.C. § 134 from the decision of the examiner finally rejecting claims 1 through 15. Claims 1, 9 and 10, as they stand of record,<sup>1</sup> are illustrative of the claims on appeal:

1. A golf ball having a core and a cover wherein said cover comprises about 0 to 90 parts by weight of a metal cation neutralized acid copolymer and about 10 to 100 parts by weight of an alkali metal cation hydrolyzed and neutralized ethylene copolymer including up to about 30% by weight of an alkyl acrylate.

9. A golf ball having a core and a cover wherein the cover comprises a composition including an acid copolymer including about 1% to about 30% acrylic acid, and an ethylene copolymer including up to about 30% by weight of an alkyl acrylate selected from the group

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<sup>1</sup> Error appears in the copy of claims 9, 10 and 14 set forth in the appendix to the brief. See specification, pages 73 and 74, and the amendment of April 10, 1997 (Paper No. 6; page 3).

consisting of methyl acrylate, butyl acrylate, and ethyl acrylate, the acid copolymer comprising about 0 to 90 parts by weight of the overall composition and the ethylene copolymer comprising 100 to 10 parts by weight of the composition, the cover further including a metal salt of a member selected from the group consisting of zinc, potassium, lithium, calcium, sodium, nickel, magnesium, and manganese.

10. A golf ball having a core and a cover, said cover comprising:  
about 0 to 90 parts by wt of an acid copolymer including about 1% to 30% parts by weight carboxylic acid such that about 10 to 90% of the carboxyl groups are neutralized with a metal cation; and

about 100 to 10 parts by weight of an ethylene copolymer including up to about 30% by weight of a hydrolyzed alkyl acrylate such that about 5% to 90% of the ester groups are neutralized with an alkali metal cation.

The appealed claims are drawn to a golf ball having a core and cover, with the cover comprising at least 10 parts of an ethylene copolymer which can optionally include up to about 30% by weight of an alkyl acrylate, the ethylene copolymer being hydrolyzed and neutralized to some extent in appealed claims 1 and 10, and merely in the presence of some amount, no matter how small, of a specified metal salt in appealed claim 9.

The reference relied on by the examiner is:

Horiuchi et al. (Horiuchi)

5,508,351

Apr. 16, 1996  
(filed Aug. 6, 1993)

The examiner has rejected appealed claims 1 through 15 under 35 U.S.C. § 102(e) (2002) as being anticipated by Horiuchi.

Appellants state in their brief (page 3) that the appealed claims “should stand or fall together.” Appellants have also separately argued appealed claims 1, 9 and 10, which arguments have been responded to by the examiner. We determine that the issues presented in this appeal involve different limitations in each of appealed claims 1, 9 and 10, respectively, and since these claims have been separately considered by both appellants and the examiner, we therefore find it appropriate in this instance to decide this appeal based on appealed claims 1, 9 and 10. 37 CFR § 1.192(c)(7) (2000).

We affirm the ground of rejection with respect to appealed claims 1 through 8 and 10 through 15 and reverse with respect to appealed claim 9.

Rather than reiterate the respective positions advanced by the examiner and appellants, we refer to the examiner's answer and to appellants' brief and reply brief for a complete exposition thereof.

*Opinion*

As an initial matter, we must interpret claims 1, 9 and 10, mindful that we must give the language thereof the broadest reasonable interpretation in light of the specification as it would be interpreted by one of ordinary skill in this art. *See, e.g., In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000); *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). In doing so, the limitations of the specification, or any preferred embodiment or example therein, will not be read into the claims. *See generally, Zletz, supra; In re Priest*, 582 F.2d 33, 37, 199 USPQ 11, 15 (CCPA 1978); *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

The appealed claims are drawn to a golf ball having a core and cover. In appealed claim 1, the cover "comprises" at least about 10 to 100 parts of an ethylene copolymer "including up to" about 30% by weight of alkyl acrylate units, the ethylene copolymer being hydrolyzed and neutralized by a metal salt to some extent. In appealed claim 10, the cover "comprises" at least about 10 to 100 parts of an ethylene copolymer "including up to" about 30% by weight of alkyl acrylate groups that have been hydrolyzed to the extent that about 5% to 90% of the "ester groups are neutralized with an alkali metal cation." We interpret the latter claim language to require that the ester moieties of the alkyl acrylate units are hydrolyzed with an alkali metal salt such that the resulting carboxylic acid moiety is neutralized with the alkali metal cation (*see* specification, e.g., page 6, lines 12-14). As the examiner points out (answer, page 4), the hydrolyzation of the alkyl acrylate moieties of the ethylene copolymer to the corresponding alcohol and the corresponding acid by an alkali metal salt wherein the acid moiety is simultaneously neutralized with the cation of the alkali metal salt, is a well known reaction termed "saponification" in textbooks as well as common and technical dictionaries,<sup>2</sup> and does not result in free carboxylic acid moieties.

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<sup>2</sup> *See, e.g., The Condensed Chemical Dictionary* 909 (10th ed., Gessner G. Hawley, ed., New York, Van Nostrand Reinhold Company, 1981).

In appealed claim 9, the cover “comprises” at least a composition “including” an ethylene copolymer “including up to” about 30% by weight of an alkyl acrylate wherein the alkyl group of the acrylate ester group is selected from the group consisting of methyl, ethyl and butyl, with the ethylene copolymer “comprising” at least 10 to 100 parts by weight of the composition. The cover *per se* is further specified as “further including” some amount, no matter how small, of “a metal salt of a member selected from the group consisting of zinc, potassium, lithium, calcium, sodium, nickel, magnesium, and manganese.” There is no requirement in appealed claim 9 that the acrylic acid units of the ethylene copolymer are neutralized to any extent. Indeed, only the mere presence of the specified metal salt *per se* in some manner in the cover *per se* is required, and there is no provision in appealed claim 9 for any interaction of such salt with any component of the specified composition, including the specified ethylene copolymer. *See Exxon Chemical Patents Inc. v. Lubrizol Corp.*, 64 F.3d 1553, 1555-58, 1558, 35 USPQ2d 1802-05, 1804 (Fed. Cir. 1995) (“The specification as a whole, and the claims in particular, contain no temporal limitation to the term ‘composition.’ . . . The composition of claim 1, once its ingredients are mixed, is a composition existing during manufacture that is being used to produce the end product. Consequently, as properly interpreted, Exxon’s claims are to a composition that contains the specified ingredients at any time from the moment at which the ingredients are mixed together. This interpretation of Exxon’s claims preserves their identify as product claims, and recognizes as a matter of chemistry that the composition exists from the moment created.”).

The claimed cover composition encompassed by each of appealed claims 1, 9 and 10 can contain any manner of additional components because of the open-ended term “comprising,” which is used as a transitional term in each of the claims, *see Exxon Chem. Pats.*, 64 F.3d at 1555, 35 USPQ2d at 1802 (“The claimed composition is defined as comprising - meaning containing at least - five specific ingredients.”); *In re Baxter*, 656 F.2d 679, 686-87, 210 USPQ 795, 802-03 (CCPA 1981) (“As long as one of the monomers in the reaction is propylene, any other monomer may be present, because the term ‘comprises’ permits the *inclusion* of other steps, elements, or materials.”), and the term “including” that has long been held to be an open-ended term synonymous with the open-ended term “comprising.” *See generally, In re Bertsch*,

132 F.2d 1014, 1019, 56 USPQ 379, 384 (CCPA 1942); *cf. Exxon Chem. Pats.*, 64 F.3d at 1555, 35 USPQ2d at 1802; *Exxon Chem. Pats.*, 64 F.3d at 1555, 35 USPQ2d at 1802; *Baxter, supra*. The use of the open-ended terms “comprising” and “including” in connection with the ingredients of individual copolymers further opens the copolymers to additional ingredients as well. While in general, the claim language “up to” in a claim is interpreted to read on zero (0), *see In re Mochel*, 470 F.2d 638, 640, 176 USPQ 194, 195 (CCPA 1972) (“As this Court has held, the phrase “up to” of claim 2 includes zero as the lower limit. [Citations omitted.]”), in this instance, it is apparent from the specification that the specified ethylene copolymer must include some amount, no matter how small, of alkyl acrylate units, and thus in light of the specification we interpret the phrase “up to” in the appealed claims to require that the ethylene copolymer include some amount, no matter how small, of alkyl acrylate units.

One of the additional components which can be included is specified to be an acid copolymer that can be present in the amount of about 0 to 90 parts by weight, and thus as specified is an *optional* component. In appealed claim 1, the acid copolymer is neutralized to some extent with a metal cation. In appealed claim 10, the acid copolymer includes about 1% to about 30% parts by weight of carboxylic acid units of which about 10 to 90% are neutralized with a metal cation. In appealed claim 9, the acid copolymer includes about 1% to about 30% acrylic acid, and there is no requirement that the acrylic acid units of the copolymer are neutralized to any extent.

Thus, the cover composition of each of appealed claims 1 and 10 can comprise only the specified hydrolyzed and neutralized ethylene copolymer that contained alkyl acrylate groups, and the cover composition of appealed claim 10 can comprise only the hydrolyzed and neutralized ethylene copolymer that contained alkyl acrylate groups, both claimed compositions otherwise comprising at least 10 parts by weight of this component and any other component that is not limited to and need not include the recited neutralized acid copolymer. The cover composition in appealed claim 9 can comprise only the specified ethylene copolymer that contains certain alkyl acrylate groups *per se* and any other component that is not limited to and need not include the recited acid copolymer *per se*, and the cover *per se* further including some amount of the specified metal salt in any relationship other than in the specified composition.

We have carefully considered appellants' arguments with respect to claim interpretation. Contrary to appellants' contentions in the brief (e.g., pages 5), the plain language of appealed claim 9 contains *no* requirement for a hydrolyzed and neutralized ethylene copolymer or a neutralized acid copolymer. While it is clear from the written description in the specification (e.g., pages 5 and 7) and the brief (e.g., page 4) that appellants intend to claim a composition containing such a component, we find no basis in appealed claim 9 to read therein any such limitation from the specification and its examples, *see generally, Zletz, supra; Priest, supra; Prater, supra*, and appellants' intentions do not limit the scope of appealed claim 9. *See generally, Zletz, supra; In re Cormany*, 476 F.2d 998, 1000-02, 177 USPQ 450, 451-53 (CCPA 1973). We note, however, that appellants correctly state with respect to appealed claim 9 the composition of the unneutralized ethylene copolymer and the optional unneutralized acid copolymer and that the cover further includes a metal salt in the brief (page 6) and reply brief (page 2). Thus, we consider appealed claim 9 with respect to the application of Horiuchi thereto by the examiner on the basis of all of the limitations thereof regardless of the issue of whether the limitations are supported by the written description of the specification as filed. *See Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir 1984).

Appellants contend in the brief that “[i]n the present application, the acid copolymers are not neutralized prior to blending with the acrylate copolymer” as “the acid and acrylate copolymer are first blended and a neutralizing metal cation is then introduced into the blend,” pointing to page 51, lines 15-27 of the specification, compared to neutralization prior to blending (brief, pages 5-6). Appellants further contend more specifically in the reply brief that appealed “claim 10 is believed to be written in a manner that does not require the components of the blend to be initially neutralized” as “[e]ach of the components of claim 10 are ‘such that’ a certain percentage of each of the copolymers are neutralized with the particular metal cations indicated” in comparison to ionomers that “are neutralized prior to blending with the ethylene copolymer” (pages 3-4). The examiner points out that the claims do not require polymers that are neutralized after they have been blended (answer, page 4). Upon carefully considering the claims in light of both positions, we find no limitation either in appealed claim 10, including the “such that” language, or in appealed claim 1 that specifies the point at which the neutralization of the acid

monomer and the saponification of the ethylene copolymer to the corresponding neutralized acid moiety containing copolymer occurs. All that is required for the composition of appealed claim 1 is the ethylene copolymer when it has been saponified to some extent, and for the composition of appealed claim 10 is the ethylene copolymer that is saponified to the extent that about 5% to 90% of the ester moieties form alkali metal neutralized acid moieties. *See Exxon Chem. Pats.*, 64 F.3d at 1555-58, 35 USPQ2d at 1802-05. Indeed, we find no basis in appealed claims 1 and 10 to read therein any such limitation from the specification and its examples in this respect, *see generally, Zletz, supra, Priest, supra; Prater, supra*, and, as we pointed out above, appellants' intentions do not limit the scope of appealed claims 1 and 10.<sup>3</sup> *See generally, Zletz, supra; Cormany, supra.*

Turning now to application of Horiuchi to appealed claims 1, 9 and 10 by the examiner under 35 U.S.C. § 102(e), it is well settled that the examiner has the burden of establishing a *prima facie* case of anticipation under § 102(e) in the first instance by pointing out where each and every element of the claimed invention, arranged as required by the claim, is described identically in a single reference, either expressly or under the principles of inherency, in a manner sufficient to have placed a person of ordinary skill in the art in possession thereof. *See generally, In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990). The examiner can establish a *prima facie* case of anticipation by showing that it reasonably appears from a reference that the product thereof is identical to the claimed product. *See generally, Spada*, 911 F.2d at 708-09, 15 USPQ2d at 1657-58 (“The Board held that the compositions claimed by Spada ‘appear to be identical’ to those described by Smith. While Spada criticizes the usage of the word ‘appear’, we think that it was reasonable for the PTO to infer that the polymerization by both Smith and Spada of identical monomers, employing the same or similar polymerization techniques, would produce polymers having the identical composition.”); *In re Best*, 562 F.2d 1252, 1254-56, 195 USPQ 430, 432-34 (CCPA 1977).

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<sup>3</sup> We leave it to the examiner to consider the issues of whether appealed claims 1, 9 and 10 comply with 35 U.S.C. §§ 112, first paragraph, written description requirement, and second paragraph, “claiming the subject matter which the applicant regards as his invention,” upon further prosecution of the appealed claims subsequent to the disposition of this appeal.

We determine that on this record, the examiner has established a reasonable *prima facie* case of anticipation of the claimed golf ball having a cover prepared from a composition encompassed by appealed claims 1 and 10 over Horiuchi as a matter of fact supported by substantial evidence. The examiner finds, and we agree, that Horiuchi discloses a golf ball wherein the core is covered by a composition wherein one of the components is “10 to 80 wt %” of a saponified polymer obtained by saponifying at least a portion of the ester groups of a copolymer of an olefin having 2 to 8 carbon atoms and an unsaturated acrylate having 3 to 8 carbon atoms with an alkali metal, wherein the olefin is preferably ethylene, the acrylate is preferably an alkyl ester of acrylic acid, and the amount of unsaturated acrylate in the copolymer is 15 to 40 wt % and the amount of saponification of the ester groups may be 10 to 40 wt % (col. 1, lines 35-46; col. 2, lines 2-18 and 28-29). Such a saponified copolymer is exemplified in Horiuchi Table 1 by the tradename “SA420” and is “[e]thylene-ethylacrylate copolymer resin saponified by sodium” wherein the “[e]thylacrylate = 25%” and the “[a]mount of saponification = ca. 20%”, the saponified ethylene copolymer containing 25 % ethylacrylate groups, 20% of which have been saponified, and constitutes 35 weight percent of the composition for a golf ball cover in Horiuchi Examples 1 and 65 weight percent of the composition for a gold ball cover in Horiuchi Example 2 (col. 3, lines 37-44).

The exemplified saponified ethylene copolymer falls into the requirement for such a copolymer set forth in each of appealed claims 1 and 10 that we discuss above, and the amount of the polymer used in each of the exemplified compositions also satisfies the parts by weight requirements in each of these claims.

Because each of appealed claims encompass compositions that comprise at least the specified amount of only the saponified ethylene copolymer in the claimed cover for the golf ball without specificity as to the remainder of the composition including additional polymers as we discuss above, we find each of appealed claims 1 and 10 to be *prima facie* anticipated by the compositions of Horiuchi Examples 1 and 2 as a matter of fact under § 102(e) on this basis alone.

However, the examiner further points out, and we agree, that the golf ball cover composition disclosed by Horiuchi further contains 20 to 90 wt % of an ionomer resin which is obtained by neutralizing a portion of the carboxyl groups of a copolymer of 10 to 20 wt % of an

$\alpha,\beta$ -unsaturated carboxylic acid having 3 to 8 carbon atoms and 80 to 90 wt % of an  $\alpha$ -olefin, with a metal ion (col. 1, lines 48 and 59-64; col. 2, lines 1-6). Three such neutralized acid copolymers are exemplified in Horiuchi Table 1 under the tradenames “Hi-milan 1605,” “Hi-milan 11706” and “Hi-milan 1605” which are sodium ion, zinc ion and zinc ion neutralized, respectively, and constitute a blend of neutralized acid copolymers which combine for 65 parts weight percent of the composition for a golf ball cover in Horiuchi Example 1 and for 40 weight percent of the composition for a gold ball cover in Horiuchi Example 2 (col. 3, lines 37-44).

It reasonably appears that each of the three exemplified metal cation neutralized acid copolymers falls into the requirement for such a copolymer set forth in each of appealed claims 1 and 10 that we discuss above, and the amount of the three polymers, separately and combined, used in each of the exemplified compositions also satisfies the parts by weight requirements in each of these claims.

Accordingly, because each of appealed claims encompass compositions can comprise specified amount of the metal cation ion neutralized acid copolymer and the specified amount of the saponified ethylene copolymer in the claimed cover for the golf ball as we discuss above, we further find each of appealed claims 1 and 10 to be *prima facie* anticipated by the compositions of Horiuchi Examples 1 and 2 as a matter of fact under § 102(e) on this basis.

Therefore, in view of the established *prima facie* case of anticipation over Horiuchi, the burden has shifted to appellants to present effective argument and/or objective evidence to patentably distinguish the compositions encompassed by appealed claims 1 and 10 from the compositions disclosed by the reference. In this respect, we have again considered all of the evidence of anticipation found in the applied prior art with appellants’ countervailing evidence of and argument for non-anticipation set forth in the brief and reply brief. *Spada*, 911 F.2d at 707 n.3, 15 USPQ2d at 1657 n.3. We again agree with the examiner that there is no basis in the appealed claims for appellants’ contentions with respect to the point at which the acid copolymer and the ethylene copolymer are respectively neutralized and saponified, and thus, appellants cannot rely on such argument with respect to Horiuchi. *See Verdegaal Bros. Inc. v. Union Oil Co.*, 814 F.2d 628, 632, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“[T]here is no limitation in the subject claims with respect to the rate at which sulfuric acid is added, and,

therefore, it is inappropriate for Verdegaal to rely on that distinction. [Citations omitted.]”). Furthermore, contrary to appellants’ arguments, we again find that Horiuchi Examples 1 and 2 encompass the combination of the two copolymers recited in appealed claims 1 and 10, the metal cation neutralized acid polymer being specified as optional in the claims. We cannot agree with appellants’ argument that the present claims do not embrace the ionomer blends as shown in Horiuchi Examples 1 and 2 (reply brief, page 3) for several reasons. First, the metal cation neutralized acid copolymers of the appealed claims are indeed ionomers as taught by Horiuchi. And, second, appealed claims 1 and 10 are open-ended with respect to other components in addition to the saponified ethylene copolymer because of the transitional term “comprising” alone and in combination with the use of the indefinite articles “a” in claim 1 and “an” in claim 10 with respect to the neutralized acid copolymers. *See generally, KCJ Corp. v. Kinetic Concepts Inc.*, 223 F.3d 1351, 1356, 55 USPQ2d 1835, 1839-40 (Fed. Cir. 2000); *Exxon Chem. Pats.*, 64 F.3d at 1555, 35 USPQ2d at 1802; *Baxter, supra*. Accordingly, we remain of the opinion that Horiuchi shows exactly what is claimed on the basis of the saponified ethylene copolymer alone and as combined with the neutralized acid copolymer as we discuss above.

Accordingly, based on our consideration of the totality of the record to the extent relied on by appellants in the brief and reply brief, we have weighed the evidence of anticipation found in Horiuchi with appellants’ countervailing evidence of and argument for no anticipation in fact and find that the claimed invention encompassed by appealed claims 1 through 8 and 10 through 15 are anticipated as a matter of fact under 35 U.S.C. § 102(e).

However, we reach a different result with respect to appealed claim 9 which we interpreted above to require in the golf ball cover composition an ethylene copolymer that is not saponified and, when present, an acid copolymer that is not neutralized, the golf ball cover further including a specified metal salt. We thus cannot agree with the examiner that appealed claim 9 is *prima facie* anticipated by the compositions disclosed in Horiuchi because the composition disclosed therein does not contain an unsaponified ethylene copolymer and an unneutralized acid copolymer, and there is no disclosure that the cover further includes a metal salt. Accordingly, because the disclosure of Horiuchi does not amount to a description of the

claimed invention encompassed by appealed claim 9 within the meaning of 35 U.S.C. § 102(e), we reverse the ground of rejection with respect to appealed claim 9.

The examiner's decision is affirmed-in-part.

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*

CHARLES F. WARREN	)	
Administrative Patent Judge	)	
	)	BOARD OF PATENT
	)	APPEALS AND
	)	INTERFERENCES
BEVERLY A. PAWLIKOWSKI	)	
Administrative Patent Judge	)	

KRATZ, Administrative Patent Judge, concurring-in-part and dissenting-in-part.

I concur with the majority's decision to the extent they have affirmed the examiner's decision to reject claims 1-15 under 35 U.S.C. § 102(e) as anticipated by Horiuchi et al. (Horiuchi) and I respectfully dissent to the extent they have reversed.

As correctly pointed out by the examiner at page 2 of the answer, “[a]ppellants have stipulated that claims 1-15 should stand or fall together.” See page 3 of the brief. Also, see 37 CFR § 1.192(c)(7) and (c)(8) (2000) and In re McDaniel, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002) (“if the brief fails to meet either requirement, the Board is free to select a single claim from each group of claims subject to a common ground of rejection as representative of all claims in that group and to decide the appeal of that rejection based solely on the selected representative claim”). Consequently, I would have chosen one representative claim, for example, claim 1. However, the majority has chosen to select three representative claims for less than compelling reasons from my point of view. In so doing and based on an incorrect analysis from my perspective, the majority has decided to reverse the examiner’s rejection with respect to claim 9.

According to the majority, this is so because the composition disclosed in Horiuchi “does not contain an unsaponified ethylene copolymer and an unneutralized acid copolymer, and there is no disclosure that the cover further includes a metal salt”. Of those listed items, claim 9 only specifies a metal salt and an ethylene copolymer, which copolymer is open as to what degree, if any, that it may have been saponified, neutralized or hydrolyzed. In this regard, it is noted that the language “the acid copolymer comprising about 0 to 90 parts by weight of the overall composition” as appears in claim 9 leaves claim 9 open to the presence of no acid polymer that includes “about 1% to about 30% acrylic acid” as a separate component of the claimed cover. Horiuchi discloses a cover that includes an ethylene copolymer in the specified amount (SA420) and a metal salt (any of the Hi-milan ionomer resins comprise a metal salt). See Table 1, examples 1 and 2 of Horiuchi.

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Consequently, I would also affirm the examiner's rejection of claim 9 for the reasons stated by the examiner and above.

PETER F. KRATZ  
Administrative Patent Judge

) BOARD OF PATENT  
) APPEALS AND  
) INTERFERENCES

Appeal No. 2002-0322  
Application 08/681,870

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