

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. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROB L. JACOBS

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Appeal No. 2003-1958  
Application No. 09/141,859

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ON BRIEF

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Before PAK, DELMENDO, and MOORE, Administrative Patent Judges.  
PAK, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 18 through 32, which are all of the claims pending in the present application.

The subject matter on appeal is directed to “[a] thermally stable three dimensionally texturized liquid resistant laminate...” See claim 18. The laminate comprises, *inter alia*, “a prebonded fibrous layer and a nonelastic liquid resistant layer having a higher latent shrinkability than said fibrous layer...” According to the specification, the thermally stable texturized liquid resistant laminate is formed by thermally annealing the laminate until its nonelastic liquid resistant

layer is shrunk. See the specification, page 5, lines 7-18. The claimed “latent shrinkability” properties for the claimed nonelastic liquid resistant layer and prebonded fibrous layer are also formed by applying different stretching or orienting conditions to stretch or orient the layers involved. See the specification, pages 6-8. Claim 18, which is representative of the appealed subject matter, is reproduced below:

18. A thermally stable, three dimensionally texturized liquid resistant laminate comprising a prebonded fibrous layer and a nonelastic liquid resistant layer having a higher latent shrinkability than said fibrous layer, said laminate having a three-dimensional texture and having been joined at a multitude of spaced-apart bond sites and heat annealed, wherein said fibrous layer forms gathers between spaced-apart bond sites.

As evidence of obviousness, the examiner relies on the following prior art references:

Van Gompel et al. (Gompel)	4,725,473	Feb. 16, 1988
Todt	5,623,812	Apr. 29, 1997 (Filed Oct. 14, 1994)

Claims 18 through 32 stand rejected under 35 U.S.C. § 103 as unpatentable over the combined disclosures of Gompel and Todt.

We reverse.

We determine that the examiner has not convincingly explained that one of ordinary skill in the art interested in improving the “baby diapers, training pants, feminine care products, incontinent garments and the like” disclosed by Gompel would look to a shrink wrap material for wrapping large articles, such as the one taught by Todt. Even if these disparate teachings of Gompel and Todt

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are combinable as asserted by the examiner, they would not result in the claimed invention for the reasons well articulated by the appellants in their Brief.

In view of the foregoing, the decision of the examiner is reversed.

REVERSED

CHUNG K. PAK )  
Administrative Patent Judge )  
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)  
) BOARD OF PATENT  
ROMULO H. DELMENDO ) APPEALS  
Administrative Patent Judge ) AND  
) INTERFERENCES  
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)  
JAMES T. MOORE )  
Administrative Patent Judge )

CKP/lp

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