

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte DINESH C. SEKSARIA, EDWARD A. TIMKO and JOHN W. COBES

Appeal No. 2006-0521
Application No. 10/453,147

ON BRIEF

Before OWENS, CRAWFORD, and LEVY, Administrative Patent Judges.
CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 9, which are all of the claims pending in this application.

The appellants' invention relates to a bulkhead assembly for motor vehicles and more specifically to a modular front end for a motor vehicle (specification, pages 1 and 3). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Hedderly	6,517,145	Feb. 11, 2003
Novak et al. (Novak)	WO/00/07867	Feb. 17, 2000

The rejection

Claims 1 to 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hedderly in view of Novak.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the answer (mailed September 24, 2004) for the examiner's complete reasoning in support of the rejections, and to the brief (filed July 19, 2004) and reply brief (filed November 22, 2004) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

The examiner has rejected the claims under 35 U.S.C. § 103. We initially note that the test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. See In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991) and In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). Moreover, in evaluating such references it is proper to take into account not only the specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

The examiner finds that Hedderly describes the invention as claimed except that Hedderly does not describe a bulkhead comprised on aluminum alloy casting. Specifically, the examiner finds:

Hedderly (6,517,145) discloses . . . a structural bulkhead (structural upright partition) 10, the bulkhead comprising a plurality of integrally formed attachment mounts 56,66, the bulkhead comprising a first side for facing an engine compartment of a motor vehicle and a second side for facing a passenger compartment of the motor vehicle, attaching at least one structural member 80 of the motor vehicle to the bulkhead, the bulkhead supporting the at least one structural

member, integral attachment mounts (fig. 2) for supporting a structural member 80. . .[answer at page 5].

The examiner relies on Novak for teaching an aluminum alloy casting comprised of unitary and plurality of cast components. The examiner concludes:

. . . it would have been obvious to one of ordinary skill in the art at the time of the invention, as disclosed by Hedderly (6,517,145), to include an aluminum alloy casting comprised of a unitary or plurality of cast components, as disclosed by Novak (WO 00.07867), to case effectively manufacture the structural parts and their respective assemblies [answer at pages 5 and 6].

We will not sustain this rejection. In our opinion, Hedderly does not describe that the bulkhead supports the structural member as required by claim 1 from which claims 2 through 9. Hedderly describes a instrument panel, steering column support structure and cowl structure which are clamshelled together to form a clip 10 which is disposed between the A-Pillars 80. Hedderly teaches that the A-Pillars secure the clamshell clip 10 laterally (col 4, lines 19 to 22). The examiner has not directed our attention to any teaching in Hedderly that the clam shell structure of Hedderly supports the A-Pillars 80.

In view of the foregoing, we will not sustain the examiner's rejection of claim 1 and claims 2 through 9 dependent thereon.

The decision of the examiner is reversed.

REVERSED

TERRY J. OWENS)
Administrative Patent Judge)
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MURRIEL E. CRAWFORD) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES
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STUART S. LEVY)
Administrative Patent Judge)

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Comment [jvn1]: Type address

MEC/jrg

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