

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

Appeal No. 2006-0948
Application 10/354,756¹

ON BRIEF

Before GARRIS, PAK and WALTZ, Administrative Patent Judges.
GARRIS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 1 through 15. We REVERSE.

Independent claim 1 is representative of the subject matter on appeal and is set forth below:

1. A method of applying a web of insulator material to a spring assembly, said web of insulator material being adapted to separate said spring assembly from padding to be applied to said spring assembly, said method comprising:
feeding a spring assembly between a pair of guide rollers;
unrolling a web of insulator material from a roll of said insulator material;

¹ Application for patent filed January 30, 2003.

passing said web of insulator material around one of said guide rollers;
folding said outer edges of said web of insulator material around end turns of springs of said spring assembly; and
securing said web of insulator material to itself to secure said web of insulator material to said spring assembly.

The Examiner relies upon the following references as evidence of unpatentability:

Withoff	3,325,833	Jun. 20, 1967
Wooldridge et al.	3,813,843	Jun. 04, 1974
Mossbeck	6,175,997	Jan. 23, 2001

Claims 1, 3, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mossbeck in view of Withoff.

Claims 1, 2 and 4 through 13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Wooldridge in view of Withoff.

We refer to the brief and reply brief and to the answer for a discussion of the respective viewpoints expressed by the appellant and by the examiner concerning the above noted rejections.

OPINION

For the reasons set forth below, we will not sustain either of these rejections.

Rejection over Mossbeck in view of Withoff

Claims 1, 3, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mossbeck in view of Withoff.

According to the examiner,

Mossbeck discloses a method of applying web material to a spring assembly by feeding spring assembly between guide rollers 24 and 26. Feeding material around guide rollers and adhesively securing the material to spring assembly; see figure 1. It is inherent that the material is cut between assemblies to get the product shown in figure 2.

Mossbeck does not directly disclose folding the material around end turns of springs however Withoff teach spring assembly construction with spring insulator material 24 folded around end turn of spring 14; see figure 4.

It would have been obvious to one of ordinary skill in the art to combine the folding step of the mattress construction of Withoff in the invention to Mossbeck as it is well known in the art to hide the outermost end turn of springs in spring mattresses. (Answer, page 3).

Appellant's principal argument regarding this combination is that

there is no teaching, suggestion or inference in the Mossbeck '997 patent of wrapping the upper and lower webs 14, 20 around the end turns of the coil springs. In fact, this is not even possible in the Mossbeck '997 patent because the individual coil springs are pocketed, i.e. wrapped in a fabric pocket so the end turns are not exposed. Therefore, the combination suggested by the Examiner is not possible. (Brief, page 7).

In response to this argument, the examiner contends that

Mossbeck relates well-known structures of spring mattress cores including many variations of construction; see column 1, lines 13-67. Furthermore, Withoff is concerned with covering the exposed end turns of coils for protection and to prevent dimpling of the spring insulator sheet and wraps cushioning sheet over end wire 11; see figure 6, column 2, lines 10-16. It would seem obvious to one of ordinary skill that, if left

exposed, the end turn may puncture through the outer mattress sheet construction. (Answer, paragraph bridging pages 4 and 5).

The examiner also generally cites In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) and In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981), without further explanation (Answer, page 5).

Appellant reiterates his argument in the reply brief by stating:

It is submitted that the Examiner's determination that it would have been obvious to one of ordinary skill in the art to combine the folding step of the mattress construction of Withoff with the spring assembly method of Mossbeck by folding the material around end turns of springs as taught by Withoff was not only unobvious to persons skilled in the art at the time of the invention of this application (because the two were concerned with different problems), but was physically impossible. The end turns of the coil springs of Mossbeck are enclosed within a pocket of fabric material and consequently, the end turns are not available or exposed so as to enable those end turns to be wrapped or enclosed by material folded around those end turns. It is therefore submitted that this combination of art was clearly unobvious and that the rejection should be withdrawn because these claims all include the steps of feeding a spring assembly between a pair of guide rollers, unrolling a web of insulator material from a roll of insulator material, passing said web of insulator material around one of said guide rollers, and folding said outer edges of said web of insulator material around end turns of springs of said spring assembly and securing said web of insulator material to itself to secure said web of insulator material to said spring assembly. Clearly, these steps are not anticipated or obvious from the disclosure of the Mossbeck and

Withhoff patents or a combination thereof. (Reply Brief, paragraph bridging pages 3 and 4).

We agree with the appellant that the examiner's rejection is not well founded.

In contrast to the subject matter recited in independent claim 1, and as correctly argued by appellant, Mossbeck discloses the use of pocketed springs in the method of applying insulator sheets to a spring assembly and does not fold the "outer edges of said [sheets] of insulator material around end turns of springs of said spring assembly." While Withhoff's Figure 4 shows wrapping the extended portion of an insulator sheet around a border wire 11 and, hence, around a turn of an outermost spring coil, the examiner does not specify how the references are to be combined to meet the aforequoted feature of claim 1. The examiner's argument noted above does not specifically address the appellant's contentions regarding this distinguishing claim feature. In our view, the appellant is correct that the examiner's proposed modification of Mossbeck "is not even possible . . . because the individual coil springs are pocketed, i.e. wrapped in a fabric pocket so the end turns are not exposed." (Brief, page 7).

In light of the above, it is apparent that the examiner has failed to carry the initial burden of establishing a prima facie case of obviousness. See In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). We are compelled by this circumstance to hereby reverse the examiner's section 103 (a) rejection of claims 1, 3, 14 and 15 as being unpatentable over Mossbeck in view of Withhoff.

Rejection over Wooldridge in view of Withoff

Claims 1, 2 and 4 through 13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Wooldridge in view of Withoff.

We note that this rejection uses the reference to Wooldridge as the primary reference. According to the examiner,

Wooldridge et al. disclose a method for assembling padded materials comprising feeding padding material between guide rollers 38 and 114; unrolling a web of insulator material 100 around guide roller 114; uncutting [sic, cutting] between assemblies with knife 56; roll packing the padded product.

Wooldridge does not directly disclose folding material around end turns of springs however Withoff teach spring assembly construction with spring insulator material 24 folded around end turn of spring 14 with an adhesive; see figure 4.

It would have been obvious to one of ordinary skill in the art to combine the folding step of the mattress construction of Withoff in the invention to Wooldridge as it is well known in the art to hide the outermost end turn of springs in spring mattresses. (Answer, page 4).

Appellant's principal argument regarding this combination is that "there is no teaching, suggestion or inference in the Wooldridge et al. patent of a spring assembly at all . . . there is no way that it would be obvious to wrap insulator material around the end turns of coil springs. The coil springs aren't there." (Brief, paragraph bridging pages 9 and 10). This position is

reiterated by appellant in the Reply Brief. (Reply Brief, paragraph bridging pages 4 and 5).

In response to this argument, the examiner argues that "Wooldridge et al. is concerned with roll packing padded products with 'spring-like characteristics' One of ordinary skill in the art could easily look to the invention to Wooldridge for manufacturing spring pads, such as those taught by Withoff, instead of filter pads with spring-like characteristics." (Answer, page 6).

Once more, we agree with the appellant that the examiner's rejection is not well founded.

In contrast to the subject matter recited in independent claim 1, and as correctly argued by appellant, Wooldridge involves a filter pad as opposed to a "spring assembly" and the method disclosed by Wooldridge does not include a folding step of the "outer edges of insulator material around end turns of springs of said spring assembly."

The examiner has failed to specify how the references are to be combined to meet the aforementioned features of claim 1 or what motivation an artisan would have had for so combining the references. The examiner's argument noted above does not specifically address these infirmities of the rejection.

In light of the above, it is again apparent that the examiner has failed to carry the initial burden of establishing a prima facie case of obviousness. See In re Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444 (Fed. Cir. 1992). Therefore, we hereby reverse the examiner's section 103(a)

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rejection of claims 1, 2 and 4 through 13 as being unpatentable over Wooldridge in view of Withoff.

CONCLUSION

The decision of the examiner is reversed.

REVERSED

BRADLEY R. GARRIS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
CHUNG K. PAK)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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THOMAS A. WALTZ)	
Administrative Patent Judge)	

BRG/sld

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202