

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte JAROSLAV BELIK*

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Appeal No. 2006-2421  
Application 10/346,773

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ON BRIEF

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Before GARRIS, PAK and WARREN, *Administrative Patent Judges*.

WARREN, *Administrative Patent Judge*.

*Decision on Appeal and Opinion*

We have carefully considered the record in this appeal under 35 U.S.C. § 134, and based on our review, find that we cannot sustain the rejection of claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Bergeron (answer, pages 3-4), and of claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Bergeron in view of Stash et al. (Stash) (answer, page 4).<sup>1</sup>

We refer to the answer and to the brief for a complete exposition of the positions advanced by the Examiner and Appellant.

The principle issue in this appeal is whether one of ordinary skill in this art would have practiced the claimed “method for applying a coating of lubricant on pipe threads” encompassed by claims 17 through 20 in following the method used by Bergeron which employs the apparatus

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<sup>1</sup> Claims 2 through 9, 15 and 16 are also of record and have been allowed by the Examiner.

disclosed therein. There is no dispute that one of ordinary skill in this art can place a predetermined amount of lubricant into the collection area of drum or head **15** having ports **45** of the apparatus of Bergeron, as shown in Bergeron **Figs. 1 and 3**, “while the drum is stationary disposed within the bore of a pipe having internal pipe threads” as specified in representative independent claim 17. Thus, the matter rests on whether head **15** disposed within threaded section **12** of bore **11** of pipe **10**, rotates with pipe **10** via a rotary table by means of swiveled coupling **34**, as shown in Bergeron **Figs. 1, 1a and 3** (e.g., col. 3, l. 26, to col. 4, l. 2), such that the lubricant is emitted through ports **45** and distributed to the internal pipe threads in a manner that satisfies the claim limitation “rotating said drum at a predetermined speed effective to distribute the lubricant onto the pipe threads through the plurality of holes” in the drum.

Appellant submits that the apparatus of Bergeron uses a “pressure of several hundred pounds per square inch . . . to force the lubricant into threaded section **12**” (Bergeron, e.g., col. 2, ll. 45-48, and col. 4, ll. 18-39), which is a different principal of operation than using centrifugal pressure resulting from rotating the drum to effectively distribute lubricant through the holes in the drum to the pipe threads as claimed (brief, page 7). The Examiner essentially responds that the rotation of drum **15** with pipe **10** would inherently result in centrifugal force in head **15** which would effectively distribute lubricant to the pipe threads through holes or ports **45** therein (answer, page 5). We agree with **Appellant**.

The difficulty that we have with the Examiner’s position is that the teachings in Bergeron which demonstrate the claim limitation have not been identified by the Examiner. In this respect, we find that head **15** “is formed with a heavy body of non-sparking material which is preferably of rubber-like composition” and shaped to provide “a close fit with thread crests of threaded section **12**” and to seal this section from bore **11**, such that “lubricant forced outwardly into threaded section **12** [through ports **45**] cannot overflow and be spilled into pipe **11**” (col. 3, l. 53, to col. 4, l. 2; Bergeron **Fig. 3**). We fail to find from this disclosure that one of ordinary skill in this art would have reasonably expected from the configuration of head **15** and its close fit with threaded section **12** that lubricant would be effectively distributed onto the pipe threads through ports **45** by reason of head **15** rotating with pipe **10** alone, and particularly since Bergeron teaches that applied pressure is necessary for that purpose with the disclosed apparatus.

Accordingly, the examiner has not established a *prima facie* case of obviousness of the claimed method over the teachings of Bergeron within the meaning of § 103(a), and thus, we reverse both grounds of rejection, there being no teaching in Stash which would establish otherwise.

The examiner's decision is reversed.

*Reversed*

BRADLEY R. GARRIS	)
Administrative Patent Judge	)
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	)
CHUNG K. PAK	) BOARD OF PATENT
Administrative Patent Judge	) APPEALS AND
	) INTERFERENCES
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	)
CHARLES F. WARREN	)
Administrative Patent Judge	)

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