

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 PANAYOTIS C. ANDRICACOS,
ROY A. CARRUTHERS, STEPHAN A. COHEN,
JOHN M. COTTE, LYNNE M. GIGNAC,
KENNETH J. STEIN, KEITH T. KWIETNIAK,
SESHADRI SUBBANNA,
HORATIO S. WILDMAN, DAVID E. SEEGER,
and ANDREW H. SIMON

Appeal 2006-2603
Application 10/270,486
Technology Center 1700

Decided: March 23, 2007

Before EDWARD C. KIMLIN, CATHERINE Q. TIMM, and LINDA M. GAUDETTE, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

ON REQUEST FOR HEARING

Appellants request rehearing of our Decision of August 31, 2006, wherein we affirmed the Examiner's rejections of the appealed claims under 35 U.S.C. § 103.

We have thoroughly reviewed Appellants' arguments in their Request. However, we remain of the opinion that it would have been obvious for one of ordinary skill in the art to employ IR compensation, or compensation for voltage drop, that was admittedly known to occur across the electrolyte solution of an electrochemical cell, in an anodization process of the type claimed. As stated in our opinion, "Galwey expressly teaches that the distortion caused by the voltage drop across the solution can be appreciable and preclude any meaningful interpretation of the data to the extent that the actual driving potential would be masked by the unknown voltage drop" (col. 3, ll. 38-44) (page 5 of decision, first para.).

Appellants emphasize that "electrocoating" is a process that "is not in any way equivalent to or related as a 'species' to Appellants' claimed **anodization** process" (page 3 of Request, first para.). However, it is not necessary for our agreement with the Examiner's legal conclusion, that the claimed process would have been obvious to one of ordinary skill in the art, that the claimed anodization process is generic to electrocoating. We say this because the known voltage drop that occurs across an electrolyte solution that is discussed by Galwey and Electrochemistry Dictionary is not peculiar to electrocoating processes. The problem of voltage drop across an electrolyte solution is present in any process that passes a current through the electrolyte. Since voltage drop across an electrolyte solution was a known problem in the art, as was the solution of compensating for the voltage drop, we are confident that one of ordinary skill in the art would have found it obvious to compensate for the voltage drop in Appellants' anodization process. We find that one of ordinary skill in the art would have been motivated to compensate for the voltage drop in the known anodization

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process with the reasonable expectation that such compensation would maximize the efficiency of the process, whether or not Appellants' particular advantage of thickness uniformity was projected. As noted in our Decision, Appellants have proffered no objective evidence which demonstrates that effecting voltage compensation in the claimed anodization process produces a uniformity in thickness that would have been **unexpected** to one of ordinary skill in the art.

Accordingly, based on the foregoing, we have granted Appellants' request to the extent we have reconsidered our decision, but we deny the request to make any change therein.

DENIED

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