

1 The opinion in support of the decision being entered today
2 is *not* binding precedent of the Board

4 UNITED STATES PATENT AND TRADEMARK OFFICE

7 BEFORE THE BOARD OF PATENT APPEALS
8 AND INTERFERENCES

11 *Ex parte PETRUS CLEMENS MARIA PANNEKEET*

14 Appeal 2006-3317
15 Application 10/681,826
16 Technology Center 3700

19 Decided: September 12, 2007

22 *Before:* TERRY J. OWENS, MURRIEL E. CRAWFORD and
23 JENNIFER D. BAHR, *Administrative Patent Judges.*

25 CRAWFORD, *Administrative Patent Judge.*

28 DECISION ON APPEAL

30 STATEMENT OF CASE

32 Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection
33 of claims 1 to 6. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

1 Appellant's invention is directed to "a method for manufacturing a
2 bag package from tube-shaped or strip-shaped netting material, wherein the
3 netting material of the bag to be formed is connected with at least two foil
4 strips which are each provided with a longitudinally repeating printing."
5 (Specification 1).

6 Claim 1 under appeal reads as follows:

7 1. Method for manufacturing bag packages, wherein netting
8 material of bags to be formed is connected to at least two foil
9 strips which are each provided with a printing pattern repeating
10 in a longitudinal direction of the foil strip, characterized in that
11 the foil strips are supplied in a coupled manner from one foil
12 stock.

13
14 The Examiner rejected claim 1 under 35 U.S.C. § 103 as being
15 unpatentable over Pannekeet in view of Kurth.

16 The Examiner rejected claims 2 to 6 under 35 U.S.C. § 103 as being
17 unpatentable over Pannekeet in view of Kurth and Antonacci.

18 The prior art relied upon by the Examiner in rejecting the claims on
19 appeal is:

20 Antonacci	US 5,823,683	Oct. 20, 1998
21		
22 Kurth	US 6,658,818 B2	Dec. 09, 2003
23		(filed Feb. 02, 2002)
24 Pannekeet	WO 99/14121	Mar. 25, 1999

25 In both rejections, the Examiner relies on Pannekeet for teaching the
26 invention as claimed except that Pannekeet does not disclose that foil strips
27 are supplied in a coupled manner from one foil stock. The Examiner relies
28 on Kurth for teaching that an endless stock material web divided into a

1 plurality of individual webs of equal width provides means to economically
2 manufacture the tubular bag. The Examiner concludes that it would have
3 been obvious to one having ordinary skill in the art, at the time of the
4 invention, to have modified the Pannekeet method by incorporating the step
5 of slitting a web sheet of packing material into a plurality of strips of equal
6 width for economically manufacturing tubular bags.

7
8 Appellant contends that Kurth relates to web stock utilized to form
9 tubular bags not foil strips which are connected to netting material which
10 forms bags. Appellant further argues that Kurth teaches nothing about foil
11 strip overlays for netting bags.

12 ISSUES

13 Whether Appellant has shown that the Examiner erred in holding that
14 it would have been obvious to modify the method disclosed by Pannekeet
15 such that the method for manufacturing bag packages includes the step of
16 supplying at least two foil strips in a coupled manner from one foil stock.

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FINDINGS OF FACT

2 Appellant's Specification teaches a method of manufacturing bags in
3 which a strip of foil 12A is placed on one side of a net bag and a strip of foil
4 12B is placed on the reverse side of the net bag (Figure 5). Each of the foil
5 strips includes at least two repeating printing patterns thereon. The method
6 includes the step of providing the two strips of foil 12A and 12B coupled
7 together as one strip from a single foil supply 11 (Specification 6; Figure 5).
8 The strips 12A and 12B are cut into separate strips and then connected to the
9 front and back of a net bag (Figure 4). The Appellant's Specification teaches
10 that supplying the foil strips in a coupled manner and then cutting the single
11 strip to form strips 12A and 12B eliminates front and back pattern mismatch
12 (Specification 3). This is so because slight variations in the length of one
13 strip as compared to the other strip is eliminated.

14 Pannekeet discloses a method of manufacturing bags which includes
15 the step of providing two separate strips of foil 12, 16, suitable for printing,
16 from two different foil supplies 11, 15 which are to be connected to a net
17 bag as depicted in Figure 3).

18 Kurth discloses a method of manufacturing tubular bags in which a
19 sheet of packing material is withdrawn from a supply reel VR and slit into a
20 plurality of strips of equal width (col. 1, ll 18 to 22; col. 4, ll 44 to 47, ll 60 to
21 65). The strips are utilized to form tubular bags (col. 1, ll 18 to 25). Kurth
22 discloses nothing about providing two strips of material each including
23 repeating printing patterns in a longitudinal direction or about supplying
24 such two strips of material in a coupled manner from a single supply reel.
25 Kurth discloses nothing about foil strips connected to net bags.

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DISCUSSION

2 We will not sustain the Examiner's rejection because there is no
3 teaching in the prior art of a method of connecting foil strips to a net bag
4 including the step of supplying the foil strips in a coupled manner from one
5 foil stock. Pannekeet clearly teaches that the foil strips, which are connected
6 to net bags, are supplied from two separate reels 11 and 15.
7

8 Kurth relates to the formation of net bags themselves from a plurality
9 of strips and does not relate to foil strips. Kurth does not disclose supplying
10 at least two strips of material with repeating printing patterns in a
11 longitudinal direction thereon as one strip from a supply reel. As such,
12 Kurth does not disclose supplying two strips of material of any kind in a
13 coupled manner as required by the claims.

14 Antonacci does not cure the deficiencies of Pannekeet and Kurth.
15 There is simply no teaching in the prior art of a method of manufacturing
16 bags wherein the netting material which forms the bags is connected to at
17 least two foil strips which are supplied in a coupled manner from one foil
18 stock.

19 The decision of the Examiner is reversed.
20

21 REVERSED
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25 vsh
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Appeal 2007-3317
Application 10/681,826

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