

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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROLF BUNTEM

Appeal No. 2007-0041
Application No. 10/000,843
Technology Center 3700

Decided: July 30, 2007

Before TERRY J. OWENS, MURRIEL E. CRAWFORD, and STUART S. LEVY,
Administrative Patent Judges.

CRAWFORD, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection of claims 1, and 4 to 8. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellant invented (Specification 1).

Claim 1 under appeal reads as follows:

1. A multi-high roll stand comprising:
several driven support rolls;

several working rolls frictionally driven by the support rolls,
the working rolls being movable in a substantially horizontal
direction;

an adjusting system connected to the working rolls;

wherein the working rolls form a roll gap defining a thickness
of rolling stock guided between the working rolls in a rolling
direction;

wherein the adjusting system moves the working rolls in the
horizontal direction for adjusting a gap width of the rolling gap such
that longitudinal axes of the working rolls are moved parallel to
longitudinal axes of the support rolls in the rolling direction and the
working rolls roll on surfaces of the support rolls, respectively, the
adjusting system including a respective adjusting device for each of
the working rolls, the adjusting devices being connected to the ends of
the working rolls, the adjusting devices of the working rolls being
configured to adjust a position of the working rolls in the rolling
direction; and a common control device connected to the adjusting
devices,

wherein the common control device provides a set value for
each one of the adjusting devices as a function of a measured value of
a thickness of the rolling stock and as a function of the preset value
for the thickness of the rolling stock.

The Examiner rejected claims 1, 4 to 8 under 35 U.S.C. § 103(a) as being
unpatentable over Nakajima, Yasuda and Fischer.

The prior art relied upon by the Examiner in rejecting the claims on appeal
are:

Fischer	US 3,570,288	Mar. 16, 1971
Yasuda	JP 63-252608	Oct. 19, 1988
Nakajima	JP 64-2710	Jan. 01, 1989

Appellant contends that Nakajima does not disclose a separate adjustment device for each working roll or a control device that provides a set value for each of the adjustment devices as a function of a measured value of thickness of the rolling stock.

Appellant further contends that Yasuda does not disclose controlling the horizontal position of the rolls and thereby controlling the gap between the rolls and like Nakajima does not disclose a control device that provides a set value for each of the adjustment devices as a function of a measured value of thickness of the rolling stock.

Appellant lastly contends that Fischer does not lead to the present invention.

DISCUSSION

Appellant's contentions do not persuade us of error on the part of the Examiner because Appellant responds to the rejection by attacking the references separately, even though the rejection is based on the combined teachings of the references. Nonobviousness cannot be established by attacking the references individually when the rejection is predicated upon a combination of prior art disclosures. See In re Merck & Co. Inc., 800 F.2d 1091, 1097, 231 USPQ 375, 380 (Fed. Cir. 1986). In this regard, we note that it is Yasuda that is relied on rather than Nakajima for teaching an adjusting device for each working roll and that Fischer is relied on for teaching a control device that provides a set value for each of the adjustment devices as a function of a measured value of thickness of the rolling stock. Likewise it is Nakajima not Yasuda that is relied on for teaching

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moving the working rolls in the horizontal direction for adjusting the gap width of the rolling gap. It is the combined teachings of Nakajima, Yasuda and Fischer, rather than the individual teachings of each reference, on which the rejection is based.

In view of the foregoing, we will sustain the rejection of the Examiner. The decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2006).

AFFIRMED

JRG

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