

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* HIROSHI CHINBE, YOSHIYA ENDO,  
NAOKI SHIMAKAWA, ICHIRO FUKUWATARI,  
YOSHIAKI HAYASHIDA, YOSHIO TAKAKURA,  
AKIO MATSUYAMA, and HIDETO KOHKETSU

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Appeal 2008-1710  
Application 10/179,855  
Technology Center 3600

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Decided: September 23, 2008

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Before MURRIEL E. CRAWFORD, LINDA E. HORNER, and DAVID B.  
WALKER, *Administrative Patent Judges*.

WALKER, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134(a) from the final  
rejection of claims 26-27, 30-34, and 36-39. We reverse.

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Representative claim 26 reads as follows:

26. A transfer device for mother glass boards,  
comprising:

a storing device comprising a first storage  
unit and a second storage unit;

wherein said first storage unit comprises a  
plurality of supporting members extending in  
parallel in a direction of breadth from two sides of  
said first storage unit, said plurality of supporting  
members including supporting members positioned  
to be opposed to each other and having a gap  
between them;

wherein said second storage unit comprises  
left and right supporting members and at least one  
auxiliary supporting member disposed at an  
intermediate position between said left and right  
supporting members; and

a transfer machine having a hand comprising  
a plurality of transverse hand supporting members  
extending in a direction of breadth and which can  
pass between said supporting members of said first  
storage unit and at least two longitudinal  
supporting members that are provided side by side  
with a gap in between in the direction of breadth  
and connecting said plurality of transverse hand  
supporting members to each other;

wherein mother glass boards can be  
introduced to or removed from said first storage  
unit and said second storage unit by raising and  
lowering said hand of said transfer machine  
between said plurality of supporting members of  
said first storage unit and said left and right  
supporting members of said second storage unit.

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The references set forth below are relied upon as evidence in support of the rejections<sup>1</sup>:

Adachi	US 5,730,574	Mar. 24, 1998
White	US 6,213,704 B1	Apr. 10, 2001

Claims 26-27, 30, 34, and 36 stand rejected under 35 U.S.C. § 102(b) as anticipated by White. Claims 31 and 37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over White in view of Adachi. Claims 32-33 and 38-39 stand rejected under 35 U.S.C. § 103(a) as unpatentable over White.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987).

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the appellant. *Id.* at 1445. *See also Piasecki*, 745 F.2d at 1472. Obviousness is then

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<sup>1</sup> An earlier rejection of claims 26 and 36 as indefinite was addressed by the Appellants in the Appeal Brief (Br. 4-5). However, the Examiner noted in the Answer that the rejection was previously withdrawn (Answer 3). The rejection therefore is not before us.

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determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. *See Oetiker*, 977 F.2d at 1445; *Piasecki*, 745 F.2d at 1472.

Each of the claims rejected as anticipated by White depends from either claim 26 or claim 34, which each requires a transfer machine having a hand that includes both 1) a plurality of transverse hand supporting members extending in a direction of breadth; and 2) at least two longitudinal supporting members that are provided side by side with a gap in between in the direction of breadth and which connect the plurality of transverse hand supporting members to each other.

The Examiner found that White discloses “a transfer machine having a hand comprising hand supporting members 64A-B extending breadthwise 154, and two longitudinal supporting members 66, longitudinal member gap is wider in a breadth direction than a supporting member 86A-B, and cushioning members 94” (Answer 3). The Appellants argue that the Examiner relies on supporting members 66 as both hand supporting members and longitudinal supporting members, which is not possible, because the respective types of members are required to extend in transverse and breadth directions that are mutually exclusive (Br. 5-6). According to Appellants, the Examiner thus fails to show where White teaches both limitations 1 and 2 above. The Examiner found that Appellants misinterpreted the Examiner’s rejection, which he asserts correctly identified the transverse hand supporting members as 154 and the longitudinal hand

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supporting members as the two tines of hand 66A, as shown in Figures 1 and 4 of White (Answer 5).

Even considering the Examiner's clarification, we do not find the Examiner's findings to be supported by the record. The supporting members 154 are shown only in Figures 2A and 2C and are described as supports located on top of lifting forks 66A and 66B that may be provided to support a substrate 126 on top of the forks 66A, 66B (White, col. 6, ll. 58-60; col. 7, ll. 7-11; Figures 2A and 2C). As shown in Figures 2A and 2C, the supports 154 extend vertically from the tines 66A and 66B and not in a direction of breadth as required by the claims. The Appellants thus have shown the Examiner erred in rejecting claims 26-27, 30, 34, and 36 as anticipated by White.

Claims 31 and 37, which were rejected as obvious over White in view of Adachi, depend from claims 26 and 34 respectively. They therefore include a hand meeting limitations 1) and 2) above. As discussed above, White does not teach limitation 1) a plurality of transverse hand supporting members extending in a direction of breadth. Adachi, which the Examiner relies upon only for providing vertically separated stages for storage of substrates, also does not teach a plurality of transverse hand supporting members extending in a direction of breadth. The Examiner provides no rational basis for why it would have been obvious for one of ordinary skill in the art to modify the combination of White and Adachi to do so. The

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Examiner thus has failed to establish a prima facie case of obviousness of claims 31 and 37 over White in view of Adachi.

Claims 32 and 33, which were rejected as obvious over White, depend either directly or indirectly from claim 26, and thus require a transfer machine having a hand that meets limitations 1 and 2 above. As discussed above with respect to the Anticipation rejection, White does not teach limitation 1) a plurality of transverse hand supporting members extending in a direction of breadth. The Examiner provides no rational basis for why it would have been obvious for one of ordinary skill in the art to modify White to do so. The Examiner thus has failed to establish a prima facie case of obviousness of claims 32 and 33 over White.

The decision of the Examiner is reversed.

REVERSED

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LV:

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