

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DANIEL D. KEWIN

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Appeal 2008-4027  
Application 10/986,116  
Technology Center 1700

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Decided: September 24, 2008

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Before EDWARD C. KIMLIN, TERRY J. OWENS, and  
PETER F. KRATZ, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 3, and 4. Claims 5-8 have been withdrawn from consideration. Claim 1 is illustrative:

1. A method of refurbishing a used hollow cylindrical core member of paper board material for a roll of paper or other sheet material, including:

removing a predetermined thickness of paperboard material from the outer surface of the core member to reduce the outside diameter thereof by an amount in the range of from about 0.002 to about 0.01 inches, and

securing a layer of paper with a thickness in the range of from about 0.002 to about 0.005 inches around the core member of reduced diameter and causing axially extending edges of the paper layer to overlap.

The Examiner relies upon the following references as evidence of obviousness:

Qiu	5,505,395	Apr. 9, 1996
Lynch	6,051,092	Apr. 18, 2000

Appellant's claims invention is directed to a method of refurbishing a hollow, cylindrical core member made of paperboard material that carries a roll of paper thereon. The method entails removing a predetermined thickness of paperboard material from the outer surface of the core to reduce its outside diameter in the range of from about 0.002 to about 0.01 inches. A layer of paper having a thickness in the range of from about 0.002 to about 0.005 inches is secured around the refurbished core.

Appealed claims 1, 3, and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynch in view of Qiu.

Appellant states that "[i]t is agreed that claims 3 and 4 can be grouped with claim 1" (Br. 4, first sentence). Accordingly, all the appealed claims stand or fall together with claim 1.

We have thoroughly reviewed each of Appellant's arguments for patentability. However, we are in complete agreement with the Examiner's reasoned analysis and application of the prior art, as well as his cogent and thorough disposition of the arguments raised by Appellant. Accordingly, we will sustain the Examiner's rejections for the reasons set forth in the Answer, which we incorporate herein, and we add the following for emphasis only.

There is no dispute that Lynch, like Appellant, discloses a method of refurbishing a used hollow cylindrical core member of material, like paperboard, that is used to support a roll of paper thereon. It is Appellant's contention that Lynch discloses as a preferred embodiment a diameter reduction of the core of 0.025 inches, which is outside the claimed range having a maximum point of 0.01 inches. Also, Appellant points out that "[t]he finishing web of liner board [of Lynch] will thus have a thickness of 0.0125 inches," which is greater than the upper limit of the claimed range of about 0.005 inches.

We agree with the Examiner that Appellant's argument is unavailing for the patentability of the appealed claims. It is well settled that the claim language "about" permits some variance from the recited value and, therefore, encompasses values above and below the stated value. In the present case, we fully concur with the Examiner that there is no patentable distinction between the recited reduction in outside diameter of the refurbished core member, "about 0.01 inches," and the preferred amount of core reduction disclosed by Lynch, namely, 0.025 inches. The difference in magnitude in the two values is merely 0.015 inches. Likewise, we perceive no patentable distinction between the claimed paper thickness of "about 0.005 inches" and Lynch's preferred value of 0.0125 inches, a difference of only 0.0075 inches. Consequently, it is our opinion that the Examiner properly determined that the appealed claims embrace within their scope the preferred values disclosed by Lynch for the amount of reduction in outside diameter of the core and thickness for the paper secured to the core. Moreover, we agree with the Examiner that the dimensions disclosed by Lynch are only exemplary and that "[t]he predetermined thickness removed

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is simply a function of removing the portions of the used core material that are damaged" (Column. 1, lines 42-45 and Column. 2, lines 3-6)" (Ans. 3).

We also agree with the Examiner that Qiu evidences that "spirally wound layers of paperboard have a conventional thickness of as little as 0.003 inches" (Ans. 4, first sentence). As such, we agree with the Examiner that when the refurbishing method of Lynch is used to remove only one ply of damaged core material, a reduction in core diameter of 0.006 inches would result, which value falls directly within the claimed ranged.

As a final point, we note that Appellant bases no argument upon objective evidence of nonobviousness, such as unexpected results, which would serve to rebut the inference of obviousness established by the applied prior art.

In conclusion, based on the foregoing and the reasons well stated by the Examiner, the Examiner's decision rejecting the appealed claims 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)(1)(iv)(effective Sept. 13, 2004).

AFFIRMED

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