

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* THOMAS E. GOSE and FORREST F. WING

---

Appeal 2008-4398  
Application 10/295,850  
Technology Center 3600

---

Decided: December 12, 2008

---

Before JENNIFER D. BAHR, LINDA E. HORNER, and STEFAN STAICOVICI *Administrative Patent Judges*.

STAICOVICI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Thomas E. Gose et al. (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 1-6, 10-14, 16, 17, and 21.<sup>1</sup>

---

<sup>1</sup> Claims 7-9 and 19-20 are objected to by the Examiner as being dependent upon a rejected base claim and otherwise indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claims 7-9 and 19-20 are not part of the instant appeal.

Claims 15 and 18 have been canceled. We have jurisdiction over this appeal under 35 U.S.C. § 6 (2002).

### THE INVENTION

The Appellants' claimed invention is directed towards the mounting arrangement of handles 60, 61 of the handle arrangement 1 to the doors 15, 18 of the refrigerator 2 (Spec. 5, ll. 3-5; Spec. 6, ll. 1-3; fig. 1). First, a plurality of base members 70 (door clip members) are mounted to each door 15 and 18 (Spec. 6, ll. 16-18 and figs. 2 and 7). Second, a pair of handle clip members 75 are mounted within the first and second end portions 65, 66 of the handles 60, 61 (Spec. 6, ll. 18-20 and figs. 2 and 7). Finally, the handles 60, 61 are laid over the refrigerator doors such that the base members 70 mate with the handle clip members 75 to establish a slide and snap lock connection (Spec. 2, ll. 18-19).

Claim 1 is illustrative of the claimed invention and reads as follows:

1. A refrigerator comprising:
  - a cabinet defining an interior compartment;
  - at least one door, having a front face portion, pivotally mounted to the cabinet for selectively accessing the interior compartment; and
  - a handle assembly for pivoting the door relative to the cabinet, said handle assembly including:
    - at least first and second base members fixed to the door at spaced locations along the front face portion;

at least first and second handle clip members; and a handle member including first and second end portions separated by an intermediate portion, said first and second handle clip members being respectively mounted to the first and second end portions of the handle member, the first end portion of the handle member being positioned over the first base member, while the second end portion of the handle member is positioned over the second base member wherein, upon shifting of the handle member relative to the first and second base members, the first and second base members and the first and second handle clip members include relative tapered surface portions that become engaged and co-act to increasingly draw said handle member against the front face portion of the door and secure the handle member to the door, with the intermediate portion being spaced from the front side of the door to enable the handle to be grasped in order to selectively open and close the door.

#### THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Meyers	US 5,303,445	Apr. 19, 1994
Worrell	US 2003/0106185 A1	Jun. 12, 2003

The Appellants seek review of the Examiner's rejection of claims 1-6, 10-14, 16-17, and 21 under 35 U.S.C. § 103(a) as unpatentable over Worrell in view of Meyers.

### THE ISSUE

Have the Appellants shown that the Examiner erred in finding that the teachings of Meyers disclose connecting a handle to a front portion of a plate having tapered surfaces that become engaged and co-act to "increasingly draw" the handle member against the front portion of the plate?

For the reasons set forth in our discussion below, we are persuaded by the Appellants' arguments.

Accordingly, we REVERSE the Examiner's rejection.

### FINDINGS OF FACTS

#### *Worrell*

We make the following findings of fact (FF) with respect to Worrell:

1. Worrell discloses a mounting arrangement of a handle 12 to a refrigerator door panel 16 (¶ 1).
2. The mounting arrangement includes a plurality of stud members 18 (door clip members) that are attached to the door panel 16 (¶ 14 and fig. 2).
3. Each stud member 18 includes a shank portion 20 and a head portion 22, wherein the head portion 22 has a tapered surface (¶ 14 and figs. 2 and 5).

4. The mounting arrangement further includes a pair of fitments 10 (handle clip members) that are each fastened with screws 28 to an end of the handle 12 (¶ 15 and figs. 1 and 3).
5. Each fitment 10 includes a slot 38 that has a tapered surface (¶ 16 and fig. 5).
6. When mounting the handle 12 to the door panel 16 the tapered surface of the head portion 22 of the stud member 18 (door clip members) contacts (engages) the tapered surface of the slot 38 of the fitment 10 (handle clip members) (¶ 16 and fig. 5).
7. Each fitment 10 (handle clip members) is locked into position by snap-fitting a key 26 having a shank portion 48 and a head portion 50 into apertures 44 and 46, respectively (¶ 17 figs. 4 and 5).
8. When the shank portion 48 of the key 26 is snap-fit into aperture 44 and the head portion 50 of the key 26 is snap-fit into aperture 46, the tapered surface of the fitments 10 (handle clip members) is urged towards the tapered surface of the stud members 18 (base members) (fig. 5).
9. The Examiner agrees that Worrell does not disclose that, “the tapered surface portions [are] engaged and co-act to increasingly draw the handle member against the front face portion of the door” (Ans. <sup>2</sup> 4) (underlining added).

---

<sup>2</sup> We refer herein to the Appeal Brief (“App. Br.”), filed March 19, 2007, the Reply Brief (“Reply Br.”), filed December 10, 2007, and the Examiner’s Answer (“Ans.”), mailed October 10, 2007

*Meyers*

We make the following findings of fact (FF) with respect to Meyers:

10. Meyers discloses a trowel arrangement having a blade 26, a support 28, and a handle 30 (col. 4, ll. 61-62 and fig. 1).
11. The support 28 extends substantially over the length of the blade 26 and includes a plurality of extensions 36 that have outwardly beveled ends 42 (col. 5, ll. 31-32, 38-40, and 48-50 and fig. 1).
12. The width 46 of the support 28 may be tapered over the length of the support 28 (col. 5, ll. 63-65 and fig. 3).
13. The handle 30 includes a channel 80 that is dimensioned to correspond with the width of the support 28, that is, the width of the channel 80 decreases over the length of the channel 80 (col. 6, ll. 37-40 and fig. 8).
14. The flange-like lips 98 of the channel 80 are placed under the extensions 36 such that the handle 30 is precluded from being displaced upwardly away from the blade 26 (col. 6, ll. 60-63 and fig. 7).
15. When mounting the handle 30 to the blade 26, as the handle 30 is slid along the support 28, the channel 80 tightens about support 28 until the handle 30 is wedged on the support 28 (col. 6, ll. 56-59).
16. The height of the channel 80 and the height of the extensions 36 of the support 28 do not vary along their respective lengths.

## PRINCIPLE OF LAW

To support an obviousness rejection all words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

The Examiner has the initial burden of showing a *prima facie* case of obviousness, and the Appellant has the burden on appeal to the Board to demonstrate error in the Examiner's position. See *In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("[t]o reject claims in an application under section 103, an examiner must show an unrebutted *prima facie* case of obviousness.... On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

## DISCUSSION

Each of claims 1-6, 10-14, 16, 17, and 21 requires base members and handle clip members having tapered surfaces to interact (engage) in such a manner that upon sliding the handle relative to the refrigerator door the handle is drawn increasingly against the front face portion of the door.

Worrell discloses a mounting arrangement of a handle to a refrigerator panel (door) using base members (stud members 18) and handle clip members (fitments 10) (FF 1, 2, and 4). Each of the base members (stud members 18) and the handle clip members (fitments 10) has a tapered surface (FF 3 and 5). When mounting the handle to the refrigerator door the tapered surface of the base members (stud members 18) contacts (engages)

the tapered surface of the handle clip members (fitments 10) (FF 6) and the key locks in position the stud members 18 (base members) and the fitments 10 (handle clip members) (FF 7). A person of ordinary skill in the art would readily appreciate that when the shank portion 48 of the key 26 is snap-fit into aperture 44 and the head portion 50 of the key 26 is snap-fit into aperture 46, the tapered surface of the fitments 10 (handle clip members) is urged towards the tapered surface of the stud members 18 (base members) (FF 8), hence when securing the handle to the door in the arrangement of Worrell, the handle is urged away from the face of the door rather than towards the face of the door.

As such, according to the Examiner, Worrell does not disclose that, “the tapered surface portions [are] engaged and co-act to increasingly draw the handle member against the front surface portion of the door” (FF 9) (underlining added). Therefore, the Examiner looks to the teachings of Meyers to satisfy the above mentioned limitation. Meyers discloses a mounting arrangement between a blade and a handle (FF 10). The handle and the blade have tapered surfaces (FF 12 and 13) that become engaged in a wedging relationship upon mounting the handle to the blade (FF 14). According to the Examiner, Meyers shows a handle member mounted to a plate that, “include tapered surface portions that become engaged and co-act to increasingly draw the handle member against the front face portion of the plate” (Ans. 4). Therefore, using the teachings of Meyers, the Examiner finally concludes that,

it would have been obvious to modify the structure of Worrell, as taught by Meyers, by having the tapered surface portions engaged and co-act[ing] to increasingly draw the handle member against the front

face portion of the door in order to prevent accidental or unwanted disengagement between the handle and the door. (Ans. 4).

The Appellants argue that neither Worrell nor Meyers discloses a structure which “increasingly draws” the handle closer to the door face upon shifting the handle (App. Br. 9). Specifically, the Appellant argues that the wedging action established between the handle 30 and the support 28 of Meyers “only co-acts in the direction of travel of the handle against support 28, and **does not, in any way, draw** the handle to the surface of the trowel blade” (App. Br. 10) (bold and underlining in original). Between the Appellants and the Examiner we find that the Appellants have the better argument.

In the arrangement of Meyers, because the widths of both the channel 80 and the support 28 are tapered over their respective lengths (FF 12 and 13), the handle 30 and the support 28 are wedged along their respective widths in a longitudinal direction. Furthermore, Meyers does not disclose that the height of the channel 80 or the height of the extensions 36 of the support 28 vary along their respective lengths (FF 16). Therefore, because the tightening of the handle and the support is only caused by the reduction in width along the lengths of the handle and the support, the wedging action is also limited only to the width of the handle and the support, and does not include a vertical component that would “increasingly draw” the handle towards the support. As such, when the handle 30 slides over the support 28 a wedging action cannot develop between the ceiling 82 of the channel 80 and the top surface of the extensions 36. Therefore, in the arrangement of Meyers, the handle 30 cannot be “increasingly drawn” towards the support 28 of the blade 26, as required by the claimed invention.

Furthermore, although we agree with the Examiner that due to the wedging action in Meyers the normal force developed between the co-acting surfaces of the channel 80 and the extensions 36 of the support 28 includes an x-axis force and an y-axis force (Ans. 6), we disagree that the y-axis force would “increasingly draw” the handle member against the support 28.

Meyers specifically discloses that the flange-like lips 98 of the channel 80 are placed under the extensions 36 such that the handle 30 is precluded from being displaced upwardly away from the blade 26 (FF 13). Therefore, although a y-axis force develops, because the handle 30 is precluded from being displaced in a vertical direction, the handle 30 cannot be “increasingly drawn” towards the support 28 of the blade 26, as required by the claimed invention.

For the above stated reasons, we conclude that the Examiner has not discharged the initial burden of establishing a prima facie case of obviousness of the subject matter of claims 1-6, 10-14, 16, 17, and 21. Accordingly, the rejection of claims 1-6, 10-14, 16, 17, and 21 under 35 U.S.C. § 103(a) as unpatentable over Worrell in view of Meyers is reversed.

## SUMMARY

The decision of the Examiner to reject claims 1-6, 10-14, 16, 17, and 21 is reversed.

REVERSED

Appeal 2008-4398  
Application 10/295,850

JRG

DIEDERIKS & WHITELAW, PLC  
12471 DILLINGHAM SQUARE, #301  
WOODBRIDGE, VA 22192