

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID J. DOOLEY, MATTHEW S. BRUMMER, GLENN A.
COWELCHUK and MARK LOEHR

Appeal 2008-5969
Application 11/162,925
Technology Center 1700

Decided: January 14, 2009

Before EDWARD C. KIMLIN, CHARLES F. WARREN, and
KAREN M. HASTINGS, Administrative *Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-10. Claims 13 through 19 have been withdrawn from consideration. Claim 1 is illustrative:

1. A method of forming a ribbed automobile door armrest in a molding system having a first mold component and a second mold, the method comprising:

- a) positioning the first mold component and the second mold component to define a first mold cavity;
- b) introducing a first resin into the first mold cavity to form a substrate;
- c) positioning the first mold component and the second mold component to form a second mold cavity, the second mold cavity having a ribbed mold section which is the inverse of a ribbed section of the armrest; and
- d) introducing a second resin into the second the [sic] mold cavity to form an armrest section, the armrest section having a first section contacting at least a portion of the substrate and a second section having a plurality of ribs.

The Examiner relies upon the following reference in the rejection of the appealed claims:

Vecchiariano 5,799,385 Sep. 1, 1998

Appellants' claimed invention is directed to a method of forming a ribbed automobile door armrest in a molding system. The method entails positioning a first mold component and a second mold component to define first and second mold cavities. The second mold cavity has a ribbed mold section which is the inverse of a ribbed section of the armrest. A substrate is formed in the first mold cavity. The armrest has a first section which contacts at least a portion of the substrate and a second section having a plurality of ribs.

Appealed claims 1, 2, 4-6 and 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Vecchiariano. Claims 3 and 7 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Vecchiariano.

Appellant has not presented separate arguments for any particular claim on appeal. Accordingly, the groups of claims separately rejected by the Examiner stand or fall together.

We have thoroughly reviewed each of Appellants' arguments for patentability. However, we find that Appellants have not demonstrated that the Examiner has erred in rejecting the appealed claims under §102 and § 103. Accordingly, we will sustain the Examiner's rejections for essentially those reasons expressed in the Answer, and we add the following primarily for emphasis.

We consider first the Examiner's § 102 rejection. There is apparently no dispute that Vecchiariano, like Appellants, discloses a method of forming an automobile door armrest in a molding system comprising a first mold component and a second mold which receive first and second resins, respectively. In particular, Figure 6 of the reference depicts a trim panel comprising an armrest 15 and protruding elements pocket 4 and handle 11. Since the panel of Figure 6 is one integral structure comprising an armrest, we agree with the Examiner that the entirety of the panel may be fairly considered an armrest comprising a section having a plurality of ribs, namely, elements 4 and 11. Appellants' Specification sets forth no definition for the claimed terms "armrest" and "ribs" and, therefore, the

Examiner is correct in concluding that the appealed claims define no structure that is patentably distinct from the structure shown in Figure 6 of the reference. It is fundamental that claim language is to be given its broadest reasonable interpretation during ex parte prosecution and, in the absence of specification definitions for the claim terms at issue, we find that the interpretation given by the Examiner is a reasonable one. While Appellants' Figure 2 shows ribs 20 underlying an armrest, it is axiomatic that inventive features disclosed in the specification and drawings are not to be read into the claims. Appellant has eschewed the opportunity to define the armrest section having a plurality of ribs in a manner that corresponds to the relationship depicted in the drawings.

We find no merit in Appellants' argument that "Vecchiariano is directed to forming a 'trim panel' and not an armrest as required by the present invention" (App. Br. 3, 3rd para). As explained above, the trim panel shown in Figure 6 of the reference comprises an armrest 15. Hence, it cannot be gainsaid that the unitary structure depicted qualifies as an armrest, especially in light of the breadth of the claimed term "armrest".

Appellants also maintain that "it is quite evident that the armrest [15 of Vecchiariano] does not contact a substrate" (App. Br. 6, last para.). However, as pointed out by the Examiner, "the armrest section [of Vecchiariano] is that which is formed by the second injection of material (column 2, lines 1-3; Figure 3, element 9), that section having a first section (i.e. bottom) that contacts or interfaces with the previously –molded substrate (Figure 3, elements 9 and 10; the bottom section of element 9

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contacts the top section of substrate 10)" (Ans. 5, second para.). Figure 6 of the reference comprising armrest 15 should be read in light of Figure 3. In our view, one of ordinary skill in the art would find that Vecchiariano reasonably describes an embodiment wherein the panel of Figure 3 comprises the armrest of Figure 6. We do not subscribe to Appellants' argument that it is fanciful to find that Figure 6 of Vecchiariano describes an armrest having a section comprising a plurality of ribs when the claim language is given its broadest reasonable interpretation.

Appellants does not set forth a separate substantive argument against the § 103 rejection of claims 3 and 7 but, rather, rely upon the arguments advanced against the § 102 rejection of claim 1.

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).

AFFIRMED

tc

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