

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER SHIELDS,
DARYL KENNEDY,
and
ALAN ROY WILTON

Appeal No. 2000-1625
Application No. 08/942,618

ON BRIEF

Before CALVERT, ABRAMS, and NASE, Administrative Patent Judges.

CALVERT, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 to 9, all the claims remaining in the application.

The appealed claims are drawn to a porcelain knob construction, and are reproduced in the appendix of appellants' brief.

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The references applied in the final rejection are:

Haines	192,759	Jul. 3, 1877
Schwarz	818,565	Apr. 24, 1906
Verse	1,687,531	Oct. 16, 1928
Bowman	5,499,427	Mar. 19, 1996

The claims on appeal stand finally rejected on the following grounds:

(1) Claims 1 to 4, anticipated by Haines, under 35 U.S.C. § 102(b).

(2) Claims 1 to 4, unpatentable over Haines, under 35 U.S.C. § 103(a).

(3) Claims 8 and 9, unpatentable over Haines in view of Schwarz, under 35 U.S.C. § 103(a).

(4) Claims 1 to 7, unpatentable over Verse in view of Bowman, under 35 U.S.C. § 103(a).

Rejection (1)

This rejection will not be sustained. The claims call for a porcelain knob, while Haines discloses a glass knob. The examiner states that "glass [is] a broad term which encompasses porcelain" (answer, page 6), but even assuming this to be true, Haines' disclosure of glass does not anticipate porcelain because

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a generic disclosure of a broad class generally does not anticipate a species. See In re Meyer, 599 F.2d 1026, 1031-32, 202 USPQ 175, 179 (CCPA 1979).

Rejection (2)

Haines discloses a door knob construction in which the end e of the mounting member f receives the free end of the shaft b of glass knob a at an overlapping region. Adhesive (lead) h adheres the knob and mounting member together at the overlapping region, the interior of the blind hole in the knob being free of adhesive. The examiner asserts that, in effect, it would have been obvious to make the Haines knob a of porcelain instead of glass,¹ and appellants do not disagree.

Appellants argue that claim 1 distinguishes over Haines in that Haines does not disclose that the mounting member "includes an annular recess," as claimed. The examiner asserts that the Haines apparatus has such an annular recess because there is such a recess between lip (flange) e of the mounting member and a plug, shown in the drawings of Haines but not labeled or discussed, which occupies the bore of the

¹Cf. Hotchkiss v. Greenwood, 52 U.S. (11 How.) 248 (1850), involving a patent on a clay or porcelain door knob.

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blind hole in shaft b. As stated by the examiner on page 7 of the answer:

[A]n annular recess is clearly shown in figures 2 and 3 [of Haines] between the unlabeled plug in the center of the knob shaft and the flange (e). Applicant [sic: Applicants] argues [sic: argue] that Haines does not disclose any central protrusion or boss which would define an annular recess. However, the Examiner has construed the unlabeled plug to be a boss as part of the mounting member defining the annular recess, since the plug is also used for mounting the knob. Furthermore, claim 1 does not require the boss or other central protrusion defining the annular recess to be integral with the mounting member prior to mounting the knob.

We do not consider this rejection to be well taken. The unlabeled part in the blind hole of the Haines knob is evidently a plug, separate from the mounting member f, which is placed in the bore of the knob shaft prior to placing the mounting member in the position shown in the drawings, in order to prevent lead from entering the interior of the knob a. The combination of this plug and the flange e on the mounting member does not, in our view, constitute an annular recess as called for by claim 1, because claim 1 requires that "said mounting member includes an annular recess to receive said free end of said shaft" (emphasis added). The mounting member cannot reasonably be said to include an annular recess

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when part of the structure forming that recess is a separate element which is not a part of the mounting member. In this regard, we agree with appellants that the quoted limitation "clearly defines the annular recess as being in the mounting member and not being formed by a subsequent assembly of parts" (reply brief, page 1).

Accordingly, the rejection of claim 1, and of claims 2 to 4 dependent thereon, will not be sustained.

Rejection (3)

This rejection will not be sustained since the additional reference, Schwarz, does not supply the deficiencies of Haines discussed above in relation to rejection (2).

Rejection (4)

Verse discloses a porcelain (china) knob a (page 1, line 6) and a metal mounting member b, c, d, which includes an annular recess between parts b and c into which the free end of the shaft of the knob is received. Verse does not disclose any adhesive, the member b being clamped to the knob (page 1, lines 93 to 99).

Bowman discloses a drawer knob 10 having a decorative insert 12 which fits into a recess 16 in the front of the knob

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and is held therein by "a suitable adhesive, such as glue" (col. 2, lines 11 to 14). The examiner takes the position that (answer, page 5):

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an adhesive to adhere the knob to the mounting member to more securely or permanently connect the two members. It would also have been obvious to use the adhesive only at the overlapping region because the overlapping region is where the two members contact each other.

In response to appellants' argument that there would be no need for an adhesive in the Verse structure in view of the crimping (clamping) of the cup (member b) on the knob, and that the structure with which Bowman teaches the use of an adhesive does not remotely resemble that of Verse (brief, page 7), the examiner states (answer pages 9 and 10):

[A]dhesives allow simple permanent attachment where the crimped attachment requires an additional tool and weakens the attachment area. Applicant [sic: Applicants] further argues [sic: argue] the location of the adhesive would not be obvious. As disclosed by Bowman and well known, adhesive is placed at the contact area between the objects to be adhered. Such placement of adhesive would result in placement of adhesive adjacent the free end of the knob at the overlapping region as claimed.

We will not sustain this rejection, because we do not consider that Bowman would have taught or suggested to one of ordinary skill in the art the use of adhesive to attach the

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mounting member b of Verse to knob a, either in place of, or in addition to, the crimped ("clamped") construction disclosed by Verse. Since Bowman only discloses the use of adhesive to attach a decorative insert to a knob, rather than to attach the knob to a mounting member, Bowman would not have provided one of ordinary

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skill with any suggestion or motivation to use adhesive in the Verse apparatus in the manner claimed. Any such modification of Verse would be based on improper hindsight derived from appellants' own disclosure.

Conclusion

The examiner's decision to reject claims 1 to 9 is reversed.

REVERSED

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IAN A. CALVERT))
Administrative Patent Judge)	
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)	BOARD OF PATENT
NEAL E. ABRAMS))
Administrative Patent Judge)	APPEALS AND
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)	INTERFERENCES
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JEFFREY V. NASE)	
Administrative Patent Judge)	

IAC:hh

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