

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD SWISHER, JAMES A. PHIPPS,
DOUGLAS R. PELLEYMOUNTER AND JAMES L. GRIESER

Appeal No. 95-1632 ¹
Application 07/991,658

ON BRIEF

Before WINTERS, CAROFF and KIMLIN, Administrative Patent Judges.
CAROFF, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 5-7, all the claims remaining in the application.

¹ According to appellants, application for patent was filed December 16, 1992, which is a continuation of application 07/679,255, issued April 2, 1991, now abandoned, which is a continuation-in-part of application 07/506,720, issued April 10, 1990, now abandoned.

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to impermissible hindsight. Accordingly, we shall not sustain the examiner's rejection.

Effenberger, the primary reference, does not mention the particular amorphous fluorinated copolymers recited in the claims. Neither do Vassiliou or Boling for that matter. According to appellant's specification (p.2, line 23-page 3, line 4) these particular high molecular weight copolymers have somewhat different properties from conventional tetrafluoroethylene polymers and, because of these unusual properties, their adhesion to substrate surfaces is problematic. Furthermore, Effenberger is not concerned with the application of a primer coating to enhance adhesion of a subsequently applied coating to a substrate surface. In fact, it would appear that the goal of Effenberger would be to minimize adhesion of a fluoropolymer film to the surface of a carrier belt so that the film can be subsequently stripped from the carrier. In this regard, we refer to col. 4, lines 48-54, and col. 5, lines 16-19, of the reference.

In order to overcome the quite substantial deficiencies of the primary reference, the examiner has attempted to combine its teachings with those of Vassiliou and Boling. While Vassiliou does suggest the application of a primer coating to enhance

adhesion, the primer coating is in liquid form, is not applied by vacuum deposition, and is a multicomponent composition. Boling is relied upon by the examiner to show the vacuum deposition of a fluoropolymer layer on a metal substrate. However, the fluoropolymer layer in Boling is employed in a different context than the initial "primer" coating of the instant claims. In Boling, the fluoropolymer layer is used either as a "spacer" (Fig. 1, element 96; Fig 2, element d), or as a "soft pad" supercoating (Fig. 2, element f) "coupled relatively loosely" to an underlying absorber layer (col. 19, lines 29-32). In neither case, does the fluoropolymer layer of Boling appear to perform the function of an initial primer coating, i.e. to enhance adhesion between a substrate and an overlying coating which is similar in a chemical sense to the initial coating. In this respect, Boling is considered to be nonanalogous art since it is not reasonably pertinent to the particular problem addressed by appellants.

Accordingly, there would be no motivation to combine the teachings of Boling with those of Effenberger or Vassiliou.

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For the foregoing reasons, the decision of the examiner is reversed.

REVERSED

SHERMAN D. WINTERS)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
MARC L. CAROFF)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
EDWARD C. KIMLIN)	
Administrative Patent Judge)	

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