

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(2) is not binding precedent of the Board.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. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte GERD SAUER

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Appeal No. 1996-2388  
Application No. 08/147,485

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HEARD: JUNE 10, 1999

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Before URYNOWICZ, FLEMING and RUGGIERO, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

ON REQUEST FOR REHEARING

Appellant requests that we reconsider our decision of March 8, 2000 wherein we sustained the Examiner's rejection of claims 1-7 under 35 U.S.C. § 103.

In our previous decision, we determined that the Examiner had established a prima facie case of obviousness based on

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various combinations of Kropielnicki with the Roberts, Altmayer, and Sato references, which had not been persuasively rebutted by any convincing arguments of Appellant. In particular, we found that the Examiner's line of reasoning established proper motivation to the skilled artisan to attach a window pane to a vehicle frame, in the language of appealed claim 1, "via a conductive adhesive layer." Appellant now argues (Request, page 1):

"[N]either the examiner nor the board has put forward a credible motivation for the use of such a layer in Kropielnicki et al, except with the use of hindsight."

We have reconsidered our decision of March 8, 2000 in light of Appellant's comments in the Request for Rehearing, and we find no error therein. We, therefore, decline to make any changes in our prior decision for the reasons which follow.

Appellant's primary point of contention is apparently that because Kropielnicki suggests alternative ways of attaching the glass pane to the vehicle frame, i.e., contact or capacitive non-contact, a high quality contact connection, if a contact connection is chosen, is not considered to be

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important. In Appellant's view, this alleged implied lack of concern with establishing a quality ground connection on the part of Kropielnicki cannot establish proper motivation to the skilled artisan to use a conductive adhesive to establish such high quality contact.

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We find no error, however, in our initial finding (Decision, page 9) of the obviousness to the skilled artisan of using an adhesive as part of a securing measure to attach a window pane to a vehicle frame. An artisan must be presumed to know something about the art apart from what the references disclose (see In re Jacoby, 309 F.2d 513, 516, 135 USPQ 317, 319 (CCPA 1962)) and the conclusion of obviousness may be made from "common knowledge and common sense" of the person of ordinary skill in the art (see In re Bozek, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969)). Moreover, skill is presumed on the part of those practicing in the art. See In re Sovish, 769 F.2d 738, 742, 226 USPQ 771, 774 (Fed. Cir. 1985).

Similarly, we find no error in our original finding that the Examiner was correct in concluding that, once the skilled artisan has chosen an adhesive securing measure to attach a pane to a vehicle frame, it is only good engineering practice to establish the soundest grounded connection, i.e., by using a conductive adhesive. In considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one

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skilled in the art would reasonably be expected to draw therefrom. In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

We remain convinced for the reasons expressed in our original decision that the skilled artisan, having chosen a contact connection contemplated by Kropielnicki, would recognize the obviousness of using a conductive adhesive to attach a window pane to a vehicle frame.

We have granted Appellant's request to the extent that we have reconsidered our decision of March 8, 2000, but we deny the request with respect to making any changes therein.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

REHEARING/DENIED

	)	
STANLEY M. URYNOWICZ, JR.	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	

JFR:hh

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Oblon, Spivak, McClelland, Maier  
& Neustadt  
1755 Jefferson Davis Highway  
Fourth Floor  
Arlington, VA 22202