

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOHN J. SAYOVITZ, ANGELA R. MAYFIELD  
and ERNEST P. SEDLOCK JR.

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Appeal No. 96-3352  
Application No. 08/129,921<sup>1</sup>

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ON BRIEF

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Before GARRIS, PAK, and KRATZ, Administrative Patent Judges.  
GARRIS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the final rejection of claims 11, 13-17, 23-27 and 32-37 which are all of the claims remaining in the application.

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<sup>1</sup>Application for patent filed September 30, 1993.

The subject matter on appeal relates to a pattern bonded nonwoven fabric having at least one distinctly and visually identifiable pattern of unbonded areas and wherein said fabric also has a geometrically repeating and visually discernable base pattern of bonded regions. Further details of this appealed subject matter are readily apparent from a review of illustrative independent claim 11 (the only independent claim on appeal) which reads as follows:

11. A pattern bonded nonwoven fabric having at least one distinctly and visually identifiable pattern of unbonded areas, said fabric having a geometrically repeating and visually discernable base pattern of bonded regions, said identifiable pattern comprising a series of unbonded regions in said geometric pattern of bonded regions, each unbonded region forming an unbonded area which is enclosed by said bonded regions surrounding said unbonded region, wherein said series of unbonded areas forms said identifiable pattern, wherein said bonded regions cover from about 3% to about 50% of the surface of said nonwoven fabric, wherein the size of each of said unbonded areas is equal to or less than about 0.3 cm<sup>2</sup>, and wherein said nonwoven fabric comprises a nonwoven fiber web.

The references relied upon by the examiner in the rejections before us are:

Humlicek 1978	4,103,058	Jul. 25,
Shimalla et al. (Shimalla) 1988	4,774,124	Sep. 27,
Hassenboehler, Jr. et al. 1993 (Hassenboehler)	5,244,482	Sep. 14,

British Patent 794,500 May  
7, 1958  
(Chicopee)

Claims 11, 13, 15-17, 23-26 and 37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or alternatively under 35 U.S.C. § 103 as being unpatentable over Humlicek.

Claims 11, 13-15, 17 and 37 stand rejected 35 U.S.C. § 103 as being unpatentable over Chicopee, while claims 16, 23-26 and 32-37 stand correspondingly rejected over Chicopee in view of Hassenboehler and Claim 27 stands correspondingly rejected over these references and further in view of Shimalla.

We cannot sustain any of the above noted rejections. This is because neither Humlicek nor Chicopee contains any teachings or suggestions of the appellants' independent claim features directed to a visually identifiable pattern of unbonded areas and a visually discernable base pattern of bonded regions.

Apparently, the examiner believes that regions 11 and 12 of Humlicek correspond to the here claimed bonded regions and unbonded areas. Such a belief, however, is clearly incorrect since both of patentee's regions contain microfibers.





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