

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte THOMAS R. NEUENSCHWANDER

---

Appeal No. 96-4104  
Application 08/262,231<sup>1</sup>

---

ON BRIEF

---

Before CALVERT, ABRAMS and McQUADE, Administrative Patent Judges.

CALVERT, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 8 to 12 and 24 to 27, all the claims remaining in the application.

Claim 8 is illustrative of the subject matter in issue:

---

<sup>1</sup> Application for patent filed June 20, 1994. According to appellant, this application is a division of Application 07/903,372, June 24, 1992, now U.S. Patent No. 5,349,741, issued September 27, 1994.

Appeal No. 96-4104  
Application 08/262,231

8. An apparatus for manufacturing electric motor parts from a sheet of stock material, said apparatus comprising:

a blanking station;

first means for guiding sheet stock material to said blanking station;

second means at said blanking station for blanking generally planar laminas from said sheet stock material;

third means for forming spacing means in said generally planar laminas at predetermined locations thereof; and

fourth means for relatively rotating said laminas so that said spacing means of adjacently positioned laminas are offset whereby each of said laminas have surfaces which when positioned adjacently are separated from adjacent lamina surfaces by said spacing means.

The references relied on by the examiner in the final rejection are:

Diederichs	4,538,345	Sept. 3, 1985
Neuenschwander	4,619,028	Oct. 28, 1986

Claims 8 to 12 and 24 to 27 stand finally rejected under 35 U.S.C. § 103 as unpatentable over Neuenschwander in view of Diederichs, under 35 U.S.C. § 103.<sup>2</sup>

The essence of the rejection is stated on pages 3 to 4 of the examiner's answer as follows:

---

<sup>2</sup> The examiner indicates on page 2 of the examiner's answer that an alternative rejection of the claims as anticipated by Neuenschwander, under 35 U.S.C. § 102(b), has been withdrawn.

Appeal No. 96-4104  
Application 08/262,231

It would have been obvious to one skilled in the art at the time of the invention to modify the Neuenschwander process to include forming spacing means, stacking the lamina such that they are spaced, annealing the stack, and then axially compressing the annealed stack in order to realize the advantages of "electrically ungraded" core laminas as discussed in the Diederichs reference. Similarly, one skilled in the art, having decided to so modify the Neuenschwander method, would have found it obvious to modify the Neuenschwander Figure 3 apparatus with an additional punch(es) to create the spacing means structure of Diederichs. Having provided such means for forming spacing means, normal 180 degree rotation of alternate lamina as disclosed would achieve the claimed function, i.e., spaced laminas.

After fully considering the record in light of the arguments presented in the appellant's brief and the examiner's answer, we conclude that the rejection should not be sustained.

In the first place, we disagree with the examiner that "normal 180 degree rotation of alternate lamina [of Neuenschwander, modified to provide spacing means as disclosed by Diederichs at 13-17 and 23-27 [sic: 23, 24 and 26-28],] would achieve the claimed function, i.e., spaced laminas" (answer, page 4). As appellant points out on page 8 of the brief, if the lamina shown in Diederichs Figure 1 were rotated 180E, the spacing means would nest and not separate the

Appeal No. 96-4104  
Application 08/262,231

laminas; for example, spacing means (tab) 13 would nest with tab 17.

More fundamentally, however, we do not consider that one of ordinary skill in the art would have found the claimed subject matter obvious from the combination of Neuenschwander and Diederichs, because Diederichs discloses alternating two different laminas, the laminas of Figures 1 and 2, in a stack so that the spacing tabs of each lamina will not coincide with the spacing tabs of the other lamina (column 2, lines 60 to 65, and column 3, line 63 to column 4, line 2). By contrast, the claimed apparatus includes (emphasis added):

[F]ourth means for relatively rotating said laminas so that said spacing means of adjacently positioned laminas are offset whereby each of said laminas have surfaces which when positioned adjacently are separated from adjacent lamina surfaces by said spacing means.

While Neuenschwander does disclose a means for relatively rotating adjacent laminas (e.g., column 3, lines 41 to 46, column 4, lines 39 to 44, and column 8, lines 55 to 61), we do not consider that the Diederichs disclosure would have suggested to one of ordinary skill modification of the Neuenschwander apparatus to provide the claimed "fourth means" because Diederichs does not cause the disclosed spacing means

Appeal No. 96-4104  
Application 08/262,231

to be effective by relatively rotating adjacent laminas, but rather by alternately stacking two different laminas, the spacing means on one being positioned differently from the spacing means on the other.

Absent any disclosure of relative rotation of adjacent laminas by Diederichs, there would be no suggestion to one of ordinary skill to provide Neuenschwander with a means for relatively rotating adjacent laminas to offset their spacing means.

Accordingly, the examiner's decision to reject claims 8 to 12 and 24 to 27 is reversed.

REVERSED

IAN A. CALVERT	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
NEAL E. ABRAMS	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
JOHN P. McQUADE	)	
Administrative Patent Judge	)	

Baker & Daniels  
111 East Wayne St.  
Suite 800  
Fort Wayne, IN 46802

Appeal No. 96-4104  
Application 08/262,231