

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. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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***Ex parte*** HIROSHI SAKAMOTO

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Appeal No. 1997-1369  
Application No. 08/224,588

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HEARD: OCTOBER 10, 2000

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Before KIMLIN, PAK, and DELMENDO, ***Administrative Patent Judges.***

PAK, ***Administrative Patent Judge.***

***DECISION ON APPEAL***

This is a decision on an appeal under 35 U.S.C. § 134 from the examiner's refusal to allow claims 1 through 4 and 6 through 13 which are all of the claims pending in the application.

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Claims 1 and 8 are representative of the subject matter  
on appeal and read as follows:

1. An automatic web material connecting apparatus  
comprising:

a pair of blocks arranged so as to be able to move  
relatively and be pressed against each other in a  
direction to cross a feed path for a first web material  
and a feed path for a second web material;

retaining means for retaining the first and second  
web materials on respective opposite faces of said pair  
of blocks;

cutting means, associated with said pair of blocks,  
for cutting a desired one of the first and second web  
materials; and

driving means for relatively moving said pair of  
blocks, whereby the desired web material is cut by  
said cutting means while said pair of blocks are moving  
relative to each other;

wherein said cutting means essentially consists of,

a rotating body rockable between the feed paths  
for the first and second web materials on an upper-  
course side of said pair of blocks,

first and second knives fixed individually to  
said pair of blocks,

a single third knife fixed to said rotating  
body, and actuator means for rotating said rotating  
body between a first rotational position in which  
said third knife faces said first knife and a second  
rotational position in which said third knife faces

said second knife,

second said third knife having a cutting edge which is directed to different radial directions as said rotating body rotates between the first and rotational positions,

third wherein the desired web material is cut by said selected knife and one of said first and second knives depending on the rotational position of said rotating body.

8. An automatic web material connecting apparatus comprising:

a pair of blocks arranged so as to be able to move relatively and be pressed against each other in a direction to cross a feed path for a first web material and a feed path for a second web material;

web retaining means for retaining the first and second materials on respective opposite faces of said pair of blocks;

for cutting means, associated with said pair of blocks, cutting a desired one of the first and second web materials; and

said driving means for relatively moving said pair of blocks, whereby the desired web material is cut by cutting means while said pair of blocks are moving relative to each other;

wherein said cutting means includes,

a rotating body rockable between the feed paths for the first and second web materials on an upper-course side of said pair of blocks,

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said first and second knives fixed individually to  
pair of blocks,

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body, a single third knife fixed to said rotating  
and

third rotational said second actuator means for rotating said rotating body  
between a first rotational position in which said  
third rotational knife faces said first knife and a second  
said second rotational position in which said third knife faces  
knife,

second said third knife having a cutting edge which is  
directed to different radial directions as said  
rotating body rotates between the first and  
rotational positions,

third selected wherein the desired web material is cut by said  
knife and one of said first and second knives  
depending on the rotational position of said  
rotating body.

In support of his rejections, the examiner relies on the  
following prior art:

Heitmann 1977	4,010,911	Mar. 8,
Ryan et al. (Ryan) 1979	4,157,934	Jan. 12,
Breuers et al. (Breuers) 8, 1985	4,492,138	Jan.
Dickey 1991	5,064,488	Nov. 12,
Bottomley 22, 1957 (Published British Patent Application)	775,111	May

Claims 1 through 3, 6, 8 through 10 and 12 stand rejected  
under 35 U.S.C. § 103 as unpatentable over the combined  
disclosures of Dickey, Heitmann and Breuers. Claims 7 and

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13 stand rejected under 35 U.S.C. § 103 as unpatentable over the combined disclosures of Dickey, Heitmann, Breuers and Ryan. Claims 4 and 11 stand rejected under 35 U.S.C. § 103 as unpatentable over the combined disclosures of Dickey, Heitmann, Breuers and Bottomley.

We have carefully evaluated the claims, specification and applied prior art, including all of the arguments advanced by the examiner and appellant in support of their respective positions. This evaluation leads us to conclude that the examiner's

§ 103 rejections are not well founded. For the reasons well articulated by appellant at pages 9 through 16 of his Brief, we conclude that the examiner has not established a **prima facie** case of obviousness within the meaning of 35 U.S.C. § 103. We only add that the examiner has not properly given weight to the recited means-plus-function elements, particularly the recited "actuator means," in claims 1 and 8 consistent with 35 U.S.C.

§ 112, paragraph 6. **See Al-Site Corp. v. VSI Int'l, Inc.,**

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174 F.3d 1308, 1319, 50 USPQ2d 1161, 1167 (Fed. Cir. 1999)  
(when  
a claim does not further define its means-plus-function  
element with structural limitations sufficient to carry out  
the recited function, the means-plus-function element is  
interpreted as the corresponding structure in the  
specification or the equivalents thereof consistent with 35  
U.S.C. § 112, paragraph 6); *In re Donaldson*, 16 F.3d 1189,  
1193, 29 USPQ2d 1845, 1848 (Fed. Cir. 1994) (*en banc*) (when  
the terms in the claims are written in a "means-plus-function"  
format, they are interpreted as the corresponding structure  
described in the specification or the equivalents thereof).  
Accordingly, we reverse each of the foregoing § 103  
rejections.

In view of the foregoing, the decision of the examiner is  
reversed.

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

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**REVERSED**

EDWARD C. KIMLIN	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
CHUNG K. PAK	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
ROMULO H. DELMENDO	)	
Administrative Patent Judge	)	

CKP:hh

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