

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EIZO TSUNODA, YUTAKA SHIMIZU, MASUJIRO SEKI, NAOMI
YOSHIIKE, KAZUO KATAI, and KATSUMI ONOZAWA

Appeal No. 1999-2205
Application No. 08/738,469

ON BRIEF

Before GARRIS, WARREN, and LIEBERMAN, Administrative Patent
Judges.

GARRIS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the final rejection of claims 3-6, 13 and 16 which are all of the claims remaining in the application.

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The subject matter on appeal relates to a method for extrusion coating a coating composition onto a length of splice jointed webs via a coating head, wherein the coating has a first (acceptable) coating thickness (formed as the web is fed across the coating head) and a second (unacceptable) coating thickness (formed as the coating head and the web are moved out of and into contact with each other). The method includes the steps of moving a scraping means into contact with the web at a position downstream of the coating head to remove entirely the coating having the second thickness from the web and transfer the entire removed coating onto the scraping means and scraping the removed coating from the scraping means by a doctor blade in continuous contact with the scraping means. Further details of this appealed subject matter are set forth in representative independent claim 13 which reads as follows:

13. A method for extrusion coating a coating composition onto a length of splice jointed webs through a slit in a coating head by feeding a length of webs across the coating head to form a coating having a first thickness on the webs, each of said webs having a splice jointed at a trailing edge of said webs, the method comprising the steps of:

feeding a length of webs along a web guide path defined by first and second guide rolls, the first and second guide

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rolls being positioned on a side of the web path which is opposite to said coating head;

moving the coating head and a web apart from each other before a splice joint passes across said coating head;

bringing said coating head and a subsequent web into mutual contact after said splice joint has passed said coating head, said coating head contacting the web at a position between the first and second guide rolls, wherein a coating having a second coating thickness which is greater than said first coating thickness is formed on said web when said coating head and webs are moved out of and into contact with each other;

moving a scraping means into contact with the web at a position downstream of said coating head and downstream of a downstream guide roll of the first and second guide rolls, in response to a movement of the coating head away from the web, such the scraping means is brought into contact with the web at substantially the same time that the coating head and web are moved apart from each other to remove entirely said coating having said second coating thickness from the web and transfer said entire removed coating having said second coating thickness onto said scraping means;

scraping the removed coating having said second coating thickness from said scraping means by a doctor blade in continuous contact with said scraping means;

detecting a variation in a flow rate of the coating composition through the slit when the coating head is brought back into contact with a further subsequent web; and

moving said scraping means out of contact with the web when the detected variation in the flow rate of the coating composition is within a range indicative of the forming of a coating having said first coating thickness on the web.

The references relied upon by the examiner as evidence of obviousness are:

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Tanaka et al. (Tanaka) 1982	4,332,840	Jun. 1,
Takeda 1985	4,537,801	Aug. 27,
Fitzgerald et al. (Fitzgerald) 1990	4,899,691	Feb. 13,
Katsunori et al. (Japanese Kokai) 1990 (Translation copy attached)	2-229572	Sep. 12,

All of the claims on appeal stand rejected under 35 U.S.C. § 103 as being unpatentable over the Japanese reference in view of Takeda and further in view of Tanaka alone or yet further in view of Fitzgerald. On page 5 of the answer, the examiner summarizes his position as follows:

In summary, it is noted that the JP 2-229572 reference teaches every aspect of the invention with the exception of utilizing a scraper/doctor blade combination to remove undesired coating from a web. The Takeda et al. (4,537,801) reference is relied upon for the teaching that it is well known in the art to utilize a scraper roll (in contact with the web) as a means to remove undesired coating as opposed to a smoother as shown in the primary reference (JP 2-229572). The Tanaka et al. (4,332,840) reference is relied upon for the teaching that it is well known in the art to utilize a roller/doctor blade combination to remove undesired coating even though the roller/doctor blade combination is in contact with another roller as opposed to a web. Therefore, the combination of references would suggest [to] one skilled in the art that a roller/doctor blade combination in contact with a web can be utilized to remove undesired

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coating with the expectation of achieving similar success. The only difference between the instant claims and the combination of reference is the amount of undesired coating being removed. The Examiner has taken the position that the combination of references would be suggestive to one skilled in the art that the entire coating may be removed with the expectation of success. The amount of coating removed is an arbitrary decision by a practitioner in the art, a matter of design choice, and is not deemed as a patentable distinction by the Examiner.

OPINION

The above noted rejection cannot be sustained.

The examiner's conclusion of obviousness is not well founded in a number of respects.

First, as correctly indicated by the appellants, the applied references contain no teaching or suggestion for replacing the smoother 8 (e.g., see Figure 1) used in the Japanese reference process to regulate the coating thickness with the roll 6/doctor blade combination used in the Figure 1 prior art process disclosed by Tanaka (i.e., to adjust coating thickness on roll 5 which then transfers the coating onto web 4). Because the roll/doctor blade combination of Tanaka is used in association with a roll rather than a web, there is no basis for reasonably expecting that this combination would be even capable of a successful use in association with the

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Japanese reference web. Second, as also correctly argued by the appellants, the applied references contain no teaching or suggestion of entirely removing a second thickness coating as required by the independent claim on appeal. Instead, the smoother 8 of the Japanese reference, the coil bar 6 of Takeda (e.g., see the prior art shown in Figures 1 and 2) and the roll/doctor blade combination of Tanaka all function to regulate the thickness of the coating rather than to remove the coating. Concerning this claim feature, it is the examiner's previously quoted position that "[t]he amount of coating removed is an arbitrary decision by a practitioner in the art, a matter of design choice, and is not deemed a patentable distinction by the Examiner." We are constrained, however, to regard this position as lacking discernible merit since it is completely unsupported by the applied reference evidence.

Further concerning this claim feature and the appellants' corresponding arguments, the examiner contends that claim 13 "recites removing the 'entire second coating thickness' which is simply the undesired portion of the coating not all the coating" (answer, page 7; emphasis added). The appellants

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rebut this contention on pages 2-4 of their reply brief with the well documented proposition that the examiner has misinterpreted the appealed independent claim. We agree. For the reasons thoroughly set forth in the reply brief, this claim must be interpreted as requiring the removal of the entire coating having the second thickness from the web rather than "simply the undesired portion of the coating not all the coating" as urged by the examiner.

In light of the foregoing, we cannot sustain the examiner's section 103 rejection of all appealed claims as being unpatentable over the Japanese reference in view of Takeda and further in view of Tanaka alone or yet further in view of Fitzgerald.

The decision of the examiner is reversed.

REVERSED

	Bradley R. Garris)	
	Administrative Patent Judge)	
)	
)	
)	
	Charles F. Warren)	BOARD OF
PATENT)	
	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES

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Paul Lieberman)
Administrative Patent Judge))

BRG:tdl

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