

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte YASUSHI INOUE, YASUSHI SAYAMA, and SHUNSUKE FUJINO

Appeal No. 2000-1668
Application No. 08/948,052

ON BRIEF

Before NASE, CRAWFORD, and BAHR, Administrative Patent Judges.
CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 5 through 8 and 10, which are all of the claims pending in this application. Claims 1 to 4 and 9 have been canceled.

We reverse.

The appellants' invention relates to a disposable diaper for absorption and containment of body fluids (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Dragoo	4,795,454	Jan. 3, 1989
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The rejection

Claims 5 through 8 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dragoo .

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejection, we make reference to the answer (Paper No. 28, mailed January 5, 2000) for the examiner's complete reasoning in support of the rejection, and to the brief (Paper No. 27, filed November 29, 1999) and reply brief (Paper No. 29, filed February 29, 2000) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art reference, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

The examiner has rejected the claims under 35 U.S.C. § 102(b). We initially note that to support a rejection of a claim under 35 U.S.C. § 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Appellants argue that Dragoo does not disclose a “transversely extending single band of adhesive” as is recited in claim 5 from which claims 6 to 8 and 10 depend. The appellants argue that the adhesive in Dragoo is a bead rather than a band of adhesive.

The examiner argues that adhesive 78 disclosed in Dragoo is a band of adhesive as recited in claim 5. The examiner points to the American Heritage dictionary page attached to the brief by the appellants which defines a “bead “ as a strip of material and defines a “band” as a strip.

We note that the definition of the bead to which the examiner directs our attention is the fourth definition given for the term bead and relates to architecture. The definition is

A strip of material usually wood, with one molded edge placed flush against the inner part of a door or window frame, used as a sash guide or as the stop against which a door closes.

In our view a person of ordinary skill in the art would understand the term “bead” as used in Dragoo to be a small round object, which is also a definition contained in the American Heritage dictionary because the quoted definition seems limited to objects used in connection with doors or windows. A “band,” on the other hand, is a thin or narrow strip of material. See, for example, the American Heritage Dictionary page attached to the brief. In our view, a “bead” of round cross section as disclosed by Dragoo is neither a thin nor narrow strip.

We, therefore, agree with the appellants that Dragoo does not disclose a band of adhesive. Figure 2 of Dragoo depicts adhesive area 78 as a bead (i.e., a small round adhesive area). In addition, Dragoo discloses at col. 4, line 63 and col. 5, line 53 that the adhesive area 78 is a bead.

In addition, in our view Dragoo does not disclose that the central sheet and each proximal zone is bonded in a side by side relationship to the adhesive zone 78, as called for in the claims.

In view of the foregoing, we will not sustain the rejection of the examiner.

The decision of the examiner is reversed.

REVERSED

JEFFREY V. NASE
Administrative Patent Judge

MURRIEL E. CRAWFORD
Administrative Patent Judge

JENNIFER D. BAHR
Administrative Patent Judge

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