

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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EDWARD M. CROSWELL

Appeal No. 2001-1385
Application No. 09/275,132

ON BRIEF

Before ABRAMS, McQUADE and BAHR, Administrative Patent Judges.
BAHR, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 and 3-5, which are all of the claims pending in this application.

BACKGROUND

The appellant's invention relates to a method for prototyping parts from sheet metal (specification, page 1). A copy of the claims under appeal is set forth in the appendix

to the appellant's brief. Claim 1, the sole independent claim on appeal, reads as follows.

1. A method for prototyping parts in preparation for production manufacturing of the parts by stamping dies from a sheet metal blank having spaced edges comprising the steps of:

forming a plurality of longitudinally aligned slots by laser cutting through the sheet metal blank so that said slots form a bend line extending between two spaced edges of the sheet metal blank, said slots extending entirely through said sheet metal blank thereby forming openings in said sheet metal blank,

bending the sheet metal blank along said bend line to form the prototype.

The examiner relied upon the following prior art references of record in rejecting the appealed claims:

David	3,938,657	Feb. 17, 1976
Mohan	5,148,900	Sep. 22, 1992

The following rejection is before us for review.

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over David in view of Mohan.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejection, we make reference to the answer (Paper No. 11) for the examiner's complete reasoning in support of the rejection

Appeal No. 2001-1385
Application No. 09/275,132

Page 3

and to the brief and reply brief (Paper Nos. 10 and 13) for
the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. For the reasons which follow, we cannot sustain the examiner's rejection.

David discloses a carrier element 41 constructed from a malleable and readily formable material such as aluminum alloy (col. 5, lines 27-29) used in an assembly for inserting blind rivets. The rivet body 40 is formed by subjecting the carrier element 41 to a conventional drawing process whereby the cylindrical body 45 is drawn from the material of the carrier element 41, with the rivet head 42 having top and bottom surfaces which are coplanar with the respective surfaces of the carrier element 41, as illustrated in Figure 5. To provide for flexibility in the use of the carrier element 41, apertures 50 are disposed in the transverse edges of the carrier element 41 in opposition to one another. To provide additional flexibility, perforations 51 can be disposed in the remaining portion of the carrier element 41 between the apertures 50 to ensure that the carrier element 41 can be

pivoted or otherwise deflected in a manner which will permit appropriate positioning of the rivet body 40 for the blind riveting process (col. 6, lines 5-19).

Even assuming that the carrier element 41 is made of sheet metal, as required in claim 1, David does not disclose a method for prototyping parts in preparation for production manufacturing including a step of bending the sheet metal blank along a bend line formed by slots to form the prototype. While the carrier element is flexible, by virtue of the apertures 50 and perforations 51, and is temporarily flexed or bent by rollers 33 (numbered in Figure 2 but not in Figure 7) to alter the direction of the carrier element for the purpose of insertion, the examiner's position that the carrier element is bent "to form the prototype" is not well taken. The bending of the carrier element illustrated in Figure 7 occurs during use of the carrier element, not during formation of the carrier element. Moreover, there is no indication in David that the carrier element 41 is a prototype made in preparation for production manufacturing of the parts by stamping dies. Accordingly, we share the appellant's view (brief, page 5; reply brief, pages 1-2) that the examiner's characterization

of David as disclosing a method for prototyping parts is unreasonable.

The examiner relies upon the teachings of Mohan for a suggestion to form the apertures 50 or perforations 51 of David's carrier by laser cutting. However, such modification of David would still not arrive at the claimed invention, for the reasons discussed above, and we perceive in Mohan no teaching or suggestion which would cure the deficiency in David.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1 and 3-5 under 35 U.S.C. § 103 is reversed.

REVERSED

NEAL E. ABRAMS)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
JOHN P. McQUADE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
JENNIFER D. BAHR)	
Administrative Patent Judge)	

Appeal No. 2001-1385
Application No. 09/275,132

Page 8

Douglas W. Sprinkle
Gifford, Krass, Groh,
Sprinkle, Anderson & Citkowski, P.C.
280 N. Old Woodward, Suite 400
Birmingham, MI 48009

JDB:caw