

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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD J. FORZANO

Appeal No. 2003-1451
Application No. 09/760,291

ON BRIEF

Before KRATZ, DELMENDO, and MOORE, *Administrative Patent Judges*.
MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the final rejection of claim 10. Claims 1-9 are allowed. Thus, only claim 10 is before us on this appeal. It reads as follows:

10. A putter comprising a putter head, a shaft fixed to said putter head, parallel vertical grooves defined in a front face of said putter head, said grooves being separated by flat lands between said grooves, said grooves being arcuate in cross section and being shaped so that the sidewalls of said grooves adjacent to said lands slope at an angle substantially less than perpendicular to said lands.

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The References

In rejecting the claims under 35 U.S.C. § 103(a), the examiner relies upon the following references:

Sasse	4,413,825	Nov. 08, 1983
Stuff	4,530,505	Jul. 23, 1985
Viste	5,090,702	Feb. 25, 1992

USGA Rules of Golf, Rule 4-1(e)(i), from "Rules of Golf for 1992," App. II, page 87 (1992).

The Rejection

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Stuff in view of Sasse, Viste, and the USGA Rules of Golf.

The Invention

The invention relates to a putter of the type used in golf. The putter head has parallel vertical grooves defined in the front head of the putter face. The vertical grooves are separated by flat lands between the grooves, are arcuate in cross section, and shaped so that the side walls adjacent to the lands slope at an angle substantially less than perpendicular to the lands. (Appeal Brief, page 2, lines 2-5).

The Rejection of Claim 10 Under 35 U.S.C. § 103(a)

The examiner has found that the patent to Stuff differs from the claimed invention in that Stuff lacks arcuate-shaped grooves sloped at an angle with respect to the lands. (Examiner's Answer, page 3, lines 11-13). The examiner has also found that it is known in the art to provide arcuate shaped grooves on clubfaces as evidenced by Viste and Sasse. (Examiner's Answer, page 3, lines 13-24).

The examiner thus concludes that it would have been obvious to modify the Stuff device by providing grooves having an arcuate cross-section to modify the striking characteristics of the clubface. (Examiner's Answer, page 3, line 24 - page 4, line 2).

The examiner has also found that Rule 4-1(e) (i) of the USGA rules of Golf sets forth that marking within an area where impact is intended may include a series of straight grooves with diverging sides and a symmetrical cross-section. (Examiner's Answer, page 4, lines 2-5)

The examiner thus concludes that it would have been obvious to modify the Stuff device by providing a slope to the sidewalls of the grooves, to conform to USGA standards. (Examiner's Answer, page 4, lines 6-9).

The appellant, on the other hand, asserts that the groove shapes in Viste and Sasse are not applicable to the putter shown

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in Stuff in that Viste and Sasse are for golf clubs for striking a ball with great force (Appeal Brief, page 2, lines 20-21, page 3, lines 2-8). We disagree. Viste itself states that:

Clubs are classified into three categories designated by the terms "woods," "irons," and "putter," each of these categories having a head with a specific shape and dimensions.

This invention relates to all types of clubs and in particular woods and irons... (Viste, column 1, lines 13-18).

Although we recognize that the preferred embodiments of Viste are in the woods and irons, the reference itself states that a principal concern is not only the accuracy imparted by the spin, but the "feel" of the club imparted by the grooves. (Column 1, lines 43-53).

We also observe that the selection of putters, irons, and woods, depends on, inter alia, the lie of the ball on the course, the layout of the course, the shot to be made, the distance to the hole, presence of obstacles and hazards, windage, and the feared derision of other players due to lack of skill with a particular club. Clubs are selected according to the skill of the player (or caddy) and used at that level, and there is no firm rule as to which clubs are hit with which shots and how much force. For example, there are times where a putt requires more force than a

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chip. Consequently, we disagree with the appellant's position that the Viste and Sasse references cannot be combined with the Stuff disclosure.

The appellant further urges that one of ordinary skill would not take the arcuate shape of Viste and modify it to be in conformity with the USGA rules; one instead would select another groove which was in compliance. (Appeal Brief, page 3, lines 8-18). We disagree. The diagrams on page 85 include at least one groove which is of a complex cross-section (the center groove has rounded edges and almost vertical walls). Complex cross-sectional grooves are consequently within the level of ordinary skill in the art.

However, the appellant has argued that it is the orientation of the grooves which would lead one of ordinary skill in the art away from the combination, as the Viste and Sasse references disclose only horizontal grooves for a different purpose (Appeal Brief, page 3, lines 2-8).

We find this persuasive. The benefits outlined in Viste and Sasse appear to be dependent on the horizontal nature of the grooves, and there is no evidence of record that such benefit is obtained in the vertical grooves of Stuff.

We therefore reverse this rejection.

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Summary of Decision

The rejection of claim 10 under 35 U.S.C. § 103(a) is reversed.

REVERSED

PETER F. KRATZ)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ROMULO H. DELMENDO)	
Administrative Patent Judge)	APPEALS AND
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JAMES T. MOORE)	
Administrative Patent Judge)	

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