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is not written for publication and  
is not binding precedent of the Board

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MARVIN L. JONES

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Appeal No. 2004-1381  
Application 10/155,530

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ON BRIEF

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Before KRATZ, JEFFREY T. SMITH, and PAWLIKOWSKI, Administrative Patent Judges.

PAWLIKOWSKI, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-20. Claims 1, 8, 12 and 14 are representative of the subject matter on appeal, and are set forth below:

1. An apparatus to modify transmission of light through an area, comprising:

a first plurality of louvers, each of said louvers comprising a blocking portion and an interface portion, said interface portion comprising louver edge structure, said edge structure being formed in at least a first edge of said louvers and being arranged in harmony with rail structure of a suspension mechanism operable to maintain an alignment of said louvers in said apparatus during use of said apparatus as a treatment for said area; and

a said suspension mechanism adapted to hold said louvers at said interface portion and operable to rotate said louvers

Appeal No. 2004-1381  
Application No. 10/155,530

between a first, a second, and a third orientation, said plurality of louvers being disposable in approximately parallel combination by structure of said suspension mechanism substantially to cover said area; wherein:

at said first orientation, said blocking portion of said louvers blocks direct transmission of light perpendicular to said area therethrough; and

at said second orientation, at least one aperture, permitting direct transmission of light perpendicular to said area therethrough, is formed between adjacent two of said louvers and is disposed spaced apart from said interface portion.

8. The apparatus of claim 1, at least one said louver further comprising edge structure on a second edge for engagement with suspension structure of said suspension mechanism to help maintain an alignment of said at least one louver with respect to said suspension structure.

12. The louver of claim 11, wherein:

said closest suspension portion is disposed between about 2-1/2 and about 7-1/2 inches inboard from said first edge.

14. The louver of claim 11, further comprising a notch disposed on said second edge at a suspension portion.

Claims 1-11, 13, and 16-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Woodring.

Claims 12, 15, 19, and 20 stand rejected under 35 U.S.C. § 103 rejection of as being obvious over Woodring.

Claims 8 and 14 stand rejected under 35 U.S.C. § 103 rejection of claims 8 and 14 as being obvious over Woodring in view of Chen.

Appeal No. 2004-1381  
Application No. 10/155,530

On page 3 of the brief, appellant groups the claims according to each rejection. To the extent any one claim is separately argued, we consider such claim in this appeal. 37 CFR §1.192(c) (7) and (8) (2003).

We have carefully reviewed the examiner's answer and appellant's brief and reply brief. This review has led us to conclude that each of the examiner's rejections is well-founded for the reasons provided by the examiner. Our comments below are for emphasis only.

The references relied upon by the examiner are as follows:

|          |           |               |
|----------|-----------|---------------|
| Chen     | 6,192,963 | Feb. 27, 2001 |
| Woodring | 6,371,191 | Apr. 16, 2002 |

#### OPINION

I. The rejection of claims 1-11, 13, and 16-18 under 35 U.S.C. § 102(e) as being anticipated by Woodring

We refer to the examiner's position in regard to this rejection set forth on pages 3-4 of the answer. We consider independent claims 1, 10 and 18 in this rejection.

On page 4 of the brief, appellant argues that Woodring's suggested edge structure and ladder suspension structure may be sufficient to cause one or more louvers to wander out of alignment when the louvers are tilted, unless a point of minimum louver width is located in planar alignment with the ladder 27. Appellant states that Woodring, therefore, discloses a structural arrangement between his louver and suspension ladder that permits (or even urges) the louver to wander out of alignment in its ladder. Appellant asserts that, therefore, alignment cannot be

maintained for louvers of Woodring's window blind. Hence, appellant argues that the disclosure in Woodring does not meet the limitation of the claim regarding "maintain an alignment", found in claim 1 or in claim 10, or to "resist misalignment", as recited in claim 18.

Beginning on page 3 of the answer, the examiner carefully explains how, in fact, the disclosure in Woodring anticipates these phrases in claims 1, 10, and 18. The examiner explains that, as shown in Figure 2 of Woodring, the position of the suspension ladder 27 residing within the point of minimum width of the slat, 26, presents a structural interference operable to resist misalignment of the louver. We agree. Figure 2 of Woodring shows that the manner in which ladder 27 is positioned with regard to width 26 "presents a structural interference operable to resist misalignment of the louver", as stated by the examiner on page 4 of the answer. Also, the disclosure at column 3, lines 48-53, teaches that the alignment shown in Figure 2 "prevents the slat's body 20 from sliding within the ladder 27 when the slat's body 20 is tilted . . .".

In view of the above, we affirm the 35 U.S.C. § 102(e) rejection of claims 1-11, 13, and 16-18.

II. The 35 U.S.C. § 103 rejection of claims 12, 15, 19, and 20 as being obvious over Woodring

On page 3 of the answer, the examiner states that these claims are directed to particular dimensions of the louvers, and that one of ordinary skill in the art "would have found obvious for the purpose of accommodating various side architectural openings . . .".

On page 6 of the brief, appellant argues that because claims 12 and 15 depend upon independent claim 10 or 18, for the same

Appeal No. 2004-1381  
Application No. 10/155,530

reasons, the rejection is not sustainable. We are not persuaded by this argument for the reasons discussed in the aforementioned anticipation rejection.

Appellant also argues that dependent claim 19 recites a pattern having a pattern length that is longer than about 1 and 1/2 times a reduced louver width, and argue that Woodring does not suggest such a pattern. We are not persuaded because appellant has not demonstrated criticality with regard to the claimed dimensions, as discussed by the examiner on page 5 of the answer. See, e.g., In re Best, 562 F.2d 1252, 1255 195 USPQ 430, 433-34 (CCPA 1977).

With regard to claim 20, on page 6 of the brief, appellant argues that Woodring is silent with respect to the recited structural arrangement that permits a louver to be assembled into a suspension ladder, and also for a louver structure sized larger than a rung length, to form a structural interference with the rail structure of the ladder. In response, on page 5 of the answer, the examiner states that the louvers of Woodring are capable of performing this function. We agree, because, as the examiner explained with respect to claims 1, 10, and 18, the louvers/suspension mechanism of Woodring "maintain an alignment". As discussed in the 35 U.S.C. §102(e) rejection, supra, ladder 27 is situated with regard to width 26 such that a structural interference with the rail structure of the ladder is created. This permits the louver to be assembled into the ladder 27 by tilting the louver with respect to a suspension box of the suspension ladder.

Therefore, we affirm the 35 U.S.C. §103 rejection of claims 12, 15, 19, and 20 as being obvious over Woodring.

Appeal No. 2004-1381  
Application No. 10/155,530

III. The 35 U.S.C. § 103 rejection of claims 8 and 14 as being obvious over Woodring in view of Chen

The examiner sets for the rejection of claims 8 and 14 on page 3 of the answer. The examiner recognizes that Woodring suggests the invention except for having a second edge, such as notch. The examiner relies on Chen for disclosing louver 16 having notches 160. See Figure 2 of Chen.

On page 7 of the brief, appellant argues that Chen fails to disclose the decorative edge operating to maintain an alignment between louvers. On page 6 of the answer, the examiner rebuts and states that Chen is not relied upon for this aspect of the claimed invention because Woodring teaches this aspect of the claimed invention. We agree.

Appellant argues further that the examiner has used improper hindsight reconstruction and queries "where in Chen's disclosure is there a suggestion to form notches in the rear of a louver that has a front decorative edge that is already operable to hold the louver in registration in a ladder during normal use of the blind?" We disagree because Chen teaches that engagement of the positioning slot 160 with the main cord provides slots 16 with improved stability (the motivation). Incorporating such a positioning slot in the arrangement of Woodring would achieve improved stability as taught by Chen.

In view of the above, we affirm the 35 U.S.C. § 103 rejection of claims 8 and 14 as being obvious over Woodring in view of Chen.

Appeal No. 2004-1381  
Application No. 10/155,530

IV. Conclusion

Each of the rejections is affirmed.

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

**AFFIRMED**

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|-----------------------------|---|-----------------|
| Peter F. Kratz              | ) |                 |
| Administrative Patent Judge | ) |                 |
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|                             | ) |                 |
|                             | ) | BOARD OF PATENT |
| Jeffrey T. Smith            | ) | APPEALS AND     |
| Administrative Patent Judge | ) | INTERFERENCES   |
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| Beverly A. Pawlikowski      | ) |                 |
| Administrative Patent Judge | ) |                 |

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Appeal No. 2004-1381  
Application No. 10/155,530

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