

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* WERNER HONEGGER

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Appeal No. 96-0333  
Application 08/054,793<sup>1</sup>

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ON BRIEF

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Before GARRIS, OWENS, and SPIEGEL, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

*DECISION ON APPEAL*

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<sup>1</sup> Application for patent filed April 28, 1993. According to appellant, the application is a continuation-in-part of Application 07/990,946, filed December 14, 1992, now abandoned, which is a continuation of Application 07/492,532, filed March 7, 1990, now abandoned.

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This is an appeal from the examiner's final rejection of claims 1-10, which are all of the claims in the application.

*THE INVENTION*

Appellant's claimed invention is directed toward a method for producing printed products, such as magazines, by injecting a liquid adhesive into a longitudinally moving stack of webs transverse to the longitudinal direction of movement at equidistant locations such that all layers in the stack are wetted with the adhesive at equidistant adhesive lines, applying an additional web to each side of the stack to form covers for the stack, cutting the stack of webs midway between each pair of adhesive lines to form individual stacks, and folding each stack along its adhesive line to provide the printed products. Claim 1 is illustrative and reads as follows:

1. A method for producing printed products consisting of a stack of sheets adhesively joined and folded along a middle line from a plurality of continuously moving paper webs with the steps of

continuously moving a plurality of webs together to form a stack with two main, outer surfaces continuously moving in a first, longitudinal direction,

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adhesively joining the paper webs of the continuously moving stack along equidistant junction lines perpendicular to the first direction of the stack by injecting a liquid binder into said stack from at least one of the main surfaces of the stack along said junction lines and wetting all layers of the stack with the injected binder,

bringing two additional webs together with the continuously moving stack such that they cover the main surfaces of the stack,

cutting the continuously moving stack midway between each pair of said equidistant junction lines to form individual stacks, and

folding each individual stack along said junction line.

*THE REFERENCES*

Obergfell	3,616,034	Oct. 26, 1971
McCain et al. (McCain)	3,966,185	Jun. 29, 1976

*THE REJECTION*

Claims 1-10 stand rejected under 35 U.S.C. § 103 over McCain in view of Obergfell.

*OPINION*

We have carefully considered all of the arguments advanced by appellant and the examiner and agree with appellant that the aforementioned rejection is not well

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founded. Accordingly, we do not sustain this rejection.

McCain discloses a method for producing printed articles by applying a bead of glue along the length of each of a plurality of pre-printed webs moving in their longitudinal direction, such that each bead of glue is substantially midway of the width of the respective web, forming the webs into a stack of webs having aligned glue beads, cutting the stack of webs transverse to the glue line to form unfolded articles, and folding each article

along its glue line (col. 12, lines 34-53; col. 13, lines 36-46; col. 14, lines 22-61). A cover may be applied to the articles (col. 12, lines 54-61).

Obergfell discloses a method for the adhesive fastening of two members by ejecting an adhesive from a nozzle such that the adhesive penetrates through one of the members and spreads at the interface of the members (col. 1, lines 4-7 and 24-30). Obergfell states (col. 1, lines 49-54) that the method "may be useful for many purposes such as securing furring strips to concrete or block bases; securing dry wallboard or paneling

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directly to concrete or block surfaces without the use of furring strips; securing paneling or other veneer to base structures, and many other uses."

The examiner acknowledges (answer, page 4) that, as argued by appellant (brief, page 4), McCain does not disclose the adhesive application technique recited in appellant's claim 1. The examiner argues that Obergfell discloses that two or more workpieces may be joined using his method (answer, page 4), and that this teaching "reads on the applicant's claimed process step of wetting all the layers of the stack with the injected binder" (answer, page 5). The examiner argues that it would have been obvious to one of ordinary skill in the art to use Obergfell's

adhesive injection technique in McCain's method because both references are directed to applying adhesive to sheet materials (answer, page 5).

Appellant argues that "Obergfell does not teach anything about joining multiple sheets of any material in such a way that the technique could be applied to adhesively forming a

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final product, as claimed" (brief, page 5) and that  
"[c]learly, Obergfell does not teach any practical technique  
for wetting multiple sheets of anything in one injection"  
(brief, page 6).

In Obergfell's discussion of the use of more than two  
workpieces adjacent to each other, he discloses controlling  
the nature of the liquid adhesive and the adhesive ejection  
parameters such that the spreading of the adhesive occurs at a  
selected interface (col. 4, lines 6-13). The examiner has not  
pointed out, and we do not find, any teaching or suggestion in  
the reference that his method would be effective for adhering  
workpieces together at each of multiple interfaces, such as  
the interfaces between the webs in a stack of webs, along the  
path of travel of the ejected adhesive. The motivation relied  
upon by the examiner for using Obergfell's adhesive injection  
technique in the McCain method comes solely from appellant's  
specification. Thus, the examiner used impermissible  
hindsight when rejecting the claims. See *W.L. Gore &  
Associates v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220  
USPQ 303, 312-13 (Fed. Cir. 1983); *In re Rothermel*, 276 F.2d

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393, 396, 125 USPQ 328, 331 (CCPA 1960). Accordingly, we do not sustain the examiner's rejection.

*DECISION*

The rejection of claims 1-10 under 35 U.S.C. § 103 over McCain in view of Obergfell is reversed.

*REVERSED*

BRADLEY R. GARRIS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
TERRY J. OWENS	)	)
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
CAROL A. SPIEGEL	)	
Administrative Patent Judge	)	

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TJO/pgg  
Walter C. Farley  
P.O. Box 329  
Harpwell, ME 04079