

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(2) is not binding precedent of the Board.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. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN M. SIMMONS
and
TOM M. SIMMONS

Appeal No. 96-4084
Application 08/178,508¹

ON BRIEF

Before MEISTER, FRANKFORT and NASE, Administrative Patent Judges.
FRANKFORT, Administrative Patent Judge.

¹ Application for patent filed January 7, 1994.

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DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 3 and 18, which are the only claims remaining in this application. Claims 4 through 17 have been canceled.

Appellants' invention relates to a method and apparatus for producing synchronized dual internal and external threads in/on a cylindrical portion of an object, wherein the synchronized dual internal and external threads so formed are adapted to engage corresponding synchronized external and internal mating threads on a mating object for effecting a threaded union therebetween. As stated on page 2 of the specification, it is an object of the invention to

provide a method and apparatus for forming sets of dual synchronized threads in/on the cylindrical portion of an object, the interior and exterior threads being synchronized with identical leads, and with rotational starting points relative to each other, such that the dual synchronized threads engage mating dual synchronized threads on a mating connector for effecting a positive fluid seal between the two connectors that eliminates the problem of thread separation caused by different rates

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of expansion of dissimilar connector material.

Independent claims 1 and 18 are representative of the subject matter on appeal and a copy of those claims may be found in Appendix A of appellants' brief.

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

Cressey	1,494,464	May 20, 1924
Bosse	4,170,050	Oct. 9, 1979

Claims 1 through 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bosse.

Claim 18 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Cressey.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above rejections, we make reference to the examiner's answer (Paper No. 8, mailed June 26, 1996) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 7, filed March 22, 1996) for appellants' arguments thereagainst.

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OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we have determined that the examiner's respective rejections of claims 1 through 3 and 18 cannot be sustained. Our reasons follow.

Looking first to the examiner's rejection of claims 1 through 3, we note that claim 1 on appeal is directed to a method or process for producing dual synchronized threads on an object. As is clear from the above quoted portion of appellants' specification, the terminology "dual synchronized threads" has a specific meaning within the context of appellants' invention and in the art, and requires that each set of dual synchronized threads be in the relationship described in appellants' specification and be capable of engaging corresponding synchronized external and internal mating threads on a mating

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object for effecting a threaded union therebetween, as expressly set forth in appellants' specification. Thus, given the recitation in the preamble

of claim 1 on appeal, it is clear that the process of appellants' claim 1 must result in the production of "dual synchronized threads" on the object which is subjected to that process. With this understanding of the process of appellants' claim 1 on appeal, a review of Bosse makes it clear that this patent has no relevance to a process "for producing dual synchronized threads on an object," as claimed by appellants.

Bosse addresses an entirely different type of process for producing lobular, i.e., non-cylindrical configuration, headless insert members like those seen in Figure 7 of the reference. In contrast with the examiner's position (answer, page 5), we do not consider that one of ordinary skill in the art would understand the successive external threads (13) of Bosse's threaded intermediate product, seen in Figure 5 thereof, to be "dual synchronized threads" like those required to be formed in

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appellants' claimed process. Moreover, we share appellants' view that the examiner has engaged in speculation in reaching the conclusion that each successive external thread formed in Bosse begins at the same rotational zero point, since there is no such disclosure in the Bosse patent. Thus, since it is clear that the

process involved in Bosse does not result in the formation of "dual synchronized threads" and that Bosse does not teach or suggest anything regarding the formation of "dual synchronized threads," we will not sustain the examiner's rejection of claim 1, or of claims 2 and 3 which depend therefrom, under 35 U.S.C. § 103 based on Bosse.

As for the examiner's rejection of claim 18 under 35 U.S.C. § 102(b) relying on Cressey, we first note that claim 18 on appeal appears to be directed to the forming tool (10) seen in Figure 1 of the application drawings. Claim 18 sets forth that the forming tool therein is "for producing dual synchronized threads on internal and external cylindrical surfaces of an object." We understand such "dual synchronized threads" to be as discussed supra in the rejection of claims 1 through 3. By

contrast, Cressey discloses that the method and tool therein are for producing threading on or in "tapered pins or recesses" (emphasis added), particularly those adapted for use in the threading of tapered pins and socket members of well drilling, and pumping equipment, such as drills, underreamers, and casing and tubing couplings. The examiner has dismissed the limitations of the preamble of claim 18 as being of negligible weight and also concluded that the forming tool of Cressey is "capable of being employed in such a manner" (answer, page 7). We do not share the examiner's view that the tool of Cressey is capable of forming "dual synchronized threads on internal and external cylindrical surfaces of an object," as set forth in appellants' claim 18. In our opinion, the taper of the teeth (3) on the cutter (2) of Cressey (e.g., as seen in Figures 1, 4 and 7) is such as to preclude the use of this tool in forming "dual synchronized threads" on internal and external cylindrical surfaces of an object. Moreover, we agree with appellants (brief, page 9) that the tool of Cressey does not meet the requirement of claim 18 that the thread forming surfaces (e.g., the cutting edge tips 16 and 18 seen in appellants' Figure 1) be located "in a plane coincident with the mounting base longitudinal axis." As clearly seen in Figures 2, 3, 5 and 6 of Cressey, the thread

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forming surfaces or cutting edge tips of the teeth (3) are displaced from the plane containing the mounting base longitudinal axis. For these reasons, we will not sustain the examiner's rejection of claim 18 under 35 U.S.C. § 102(b).

To summarize our decision, the examiner's rejection of claims 1 through 3 under 35 U.S.C. § 103 has been reversed,

as has the examiner's rejection of claim 18 under 35 U.S.C. § 102(b).

REVERSED

JAMES M. MEISTER)	
Administrative Patent Judge)	
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)	
CHARLES E. FRANKFORT)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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JEFFREY V. NASE)	
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