

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SOREN C. SORENSEN and
JENS O. SORENSEN

Appeal No. 1998-1821
Application No. 08/584,606

ON BRIEF

Before JOHN D. SMITH, PAK, and WALTZ, Administrative Patent Judges.

PAK, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the examiner's refusal to allow claims 1 through 14 which are all of the claims pending in the application.

The claimed subject matter is directed to a process for injection molding a cable tie. Claim 1 is representative of the subject matter on appeal and reads as follows:

Claim 1. A method of injection molding a tie that includes an elongated tongue with two ends and two broad sides, a locking head at one end of the tongue, a first set of ratchet teeth extending along one broad side of the tongue and a second set of ratchet teeth extending along the other broad side of the tongue, wherein the locking head has sides defining a continuously bounded opening for receiving the tongue, the sides include a movable pawl that is hinged at one side of said opening and an abutment wall that is across the opening from the pawl, and the pawl has at least one pawl tooth disposed for engaging the set of first ratchet teeth when the tongue has been inserted through said opening with the first set of ratchet teeth facing the pawl, wherein the pawl, when the at least one pawl tooth is so engaged, is movable toward an abutment surface of the abutment wall in response to pressure applied to the tongue in a direction opposite to the direction of said insertion in order to force the second set of ratchet teeth against the abutment surface; and wherein the abutment surface includes at least one tooth for locking engagement with the second set of ratchet teeth when the tongue has been inserted through the opening with the second set of ratchet teeth facing the abutment surface and the side of the tongue including the second set of ratchet teeth is forced against the abutment surface by movement of the pawl; the method comprising the steps of

(a) providing a mold that includes mold parts for defining a cavity between the mold parts in the general shape of the tie;

(b) injecting molten plastic material into the mold cavity;

(c) solidifying the plastic material in the mold cavity to form the tie;

(d) separating the mold parts to enable removal of the tie from the mold; and

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(e) removing the tie from the mold;

wherein step (a) comprises providing a said mold in which one of the mold parts is a movable core that defines at least a portion of a surface of the abutment wall that is on the opposite side of the abutment wall from the portion of the abutment surface that includes the at least one abutment surface tooth; and

wherein step(d) comprises the step of

(f) moving the core to thereby enable the abutment wall to flex in a direction away from the pawl into a space vacated by movement of the core so that the tie can be removed from the mold pursuant to step (e) without significantly damaging the at least one abutment surface tooth.

As evidence of obviousness, the examiner relies on the following prior art:

Drevalas 1962	3,049,758	Aug. 21,
Caveney et al. (Caveney) 9, 1972	3,660,869	May
Paradis 1984	4,473,524	Sep. 25,

Claims 1 through 14 stand rejected under 35 U.S.C. § 103 as unpatentable over the combined disclosures of Paradis, Caveney and Drevalas.

We have carefully considered the specification, claims and applied prior art, including all of the arguments advanced by both the examiner and appellants in support of their respective positions. This consideration leads us to conclude

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that the examiner's § 103 rejection is not well founded. For the reasons well articulated by appellants at pages 6-9 of the Brief, we determine that not only is there no suggestion to combine the teachings of the applied prior art as proposed by the examiner, but the combination teachings of the applied prior art also do not result in the claimed process. Thus, we conclude that the examiner has not established a *prima facie* case of obviousness regarding the claimed subject matter.

In view of the foregoing, the decision of the examiner is reversed.

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

REVERSED

JOHN D. SMITH)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
CHUNG K. PAK)	APPEALS
Administrative Patent Judge)	AND

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) INTERFERENCES
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)
THOMAS A. WALTZ)
Administrative Patent Judge)

CKP:lp

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EDWARD W. CALLAN
3830 VALLEY CENTRE DRIVE
SAN DIEGO CA 92130

Leticia

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APJ PAK

APJ JOHN D. SMITH

APJ WALTZ

DECISION: REVERSED
Send Reference(s): Yes No
or Translation (s)
Panel Change: Yes No
Index Sheet-2901 Rejection(s):

Prepared: March 30, 2001

Draft Final

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OB/HD GAU

PALM / ACTS 2 / BOOK
DISK (FOIA) / REPORT