

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SEIZI NAKADA, SENJI SUZUKI,
SHINJIRO KAWAGUCHI and HISAYOSHI OSUMI

Appeal No. 1999-0384
Application No. 08/597,837

ON BRIEF

Before KIMLIN, WARREN and JEFFREY T. SMITH, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-11, all the claims in the present application. Claim 1 is illustrative:

1. A process for producing a decorated article, comprising the steps of:
 - (a) preparing a base material, a surface of which is composed of an overlay, the overlay having a wood material layer, a first side of the wood material layer constituting a surface of the overlay;

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- (b) providing a thermosetting coloring layer on the first side of the wood material layer, the thermosetting coloring layer having a coloring layer formed by applying a colored thermosetting resin; and
- (c) providing a surface layer on the thermosetting coloring layer by hot-pressing a thermoplastic resin sheet on the thermosetting coloring layer.

In the rejection of the appealed claims, the examiner relies upon the following reference:

Takeatsu et al. (Japanese '239) 63-162239 July 5, 1988
(Japanese Patent Application)

Appellants' claimed invention is directed to a process for making a decorated article wherein a thermoplastic resin sheet is hot-pressed on a thermosetting coloring layer which, in turn, is provided on the surface of a wood base material.

Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103 as being obvious over Japanese '239.

Upon careful consideration of the opposing arguments presented on appeal, we will not sustain the examiner's rejection.

In essence, the examiner has not established a prima facie case of anticipation or obviousness with respect to the presently claimed provision of a thermosetting coloring layer

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CHARLES F. WARREN)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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)	
JEFFREY T. SMITH)	
Administrative Patent Judge)	

ECK:clm

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