

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL N. WAGNER

Appeal No. 1999-0524
Application 08/735,228¹

ON BRIEF

Before COHEN, ABRAMS and NASE, Administrative Patent Judges.

COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 9 through 14, and from the refusal of the examiner to allow claims 4 through 8 and 15, as amended subsequent to the final rejection. These claims constitute all of the claims remaining

¹ Application for patent filed October 22, 1996.

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in the application.

Appellant's invention pertains to a vehicle seat and a storage receptacle disposed under the seat. An understanding of the invention can be derived from a reading of exemplary claims 9 and 15, copies of which appear in the APPENDIX to the brief (Paper No. 8).

As evidence of obviousness, the examiner has applied the documents listed below:

Anderson et al. (Anderson) 1929	1,736,108	Nov. 19,
Hines 1992	5,096,249	Mar. 17,

The following rejection is before us for review. ²

Claims 4 through 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hines in view of Anderson.

The full text of the examiner's rejection and response to

² The final rejection of claims 4 through 8 and 15 under 35 U.S.C. § 112, second paragraph, was withdrawn by the examiner upon entry of the amendment after final (Paper No. 5), as acknowledged in paragraph (6) of the answer (Paper No. 9). The first page of Paper No. 5 reflects entry of the amendment upon appeal, superseding the earlier indication in an advisory action (Paper No. 6) of a denial of entry.

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the argument presented by appellant appears in the answer (Paper No. 9), while the complete statement of appellant's argument can be found in the main and reply briefs (Paper Nos. 8 and 10).

OPINION

In reaching our conclusion on the obviousness issue raised in this appeal, this panel of the board has carefully considered appellant's specification and claims, the applied patents,³ and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

We reverse the examiner's rejection of claims 4 through

³ In our evaluation of the applied documents, we have considered all of the disclosure thereof for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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15 under 35 U.S.C. § 103.

Independent claims 9 and 15 are each drawn to the combination of a vehicle seat and a storage receptacle disposed under the seat. Claim 9 addresses, in particular, a feature permitting the receptacle to be movable between a storage position and either a first loading position adjacent the forward edge of a seating area or a second loading position adjacent the

back edge of the seating area. Claim 15 sets forth, in particular, a feature wherein the drawer runners mounting the receptacle for sliding movement include a pair of relatively slidable members, one of which is secured to an inner edge of a corresponding side support supporting a seating area, with the other being secured to a side member of the receptacle.

We certainly appreciate the relevance of the respective teachings of Hines and Anderson. Hines (Fig. 4) addresses the combination of a vehicle seat 12 and a container enclosure 16, including brackets 82, 84 supporting structure for slidingly fastening the enclosure beneath the seat, while Anderson (Fig.

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1) teaches a guide suspension for drawers of a filing cabinet, in particular, that permits the drawers to be moved out of the cabinet from either of the opposite sides thereof. However, for reasons delineated, infra, we are of the opinion that this evidence simply would not have been suggestive of the examiner's proposed modification.

Initially, we note that the examiner has not set forth in the body of the rejection an explanation of the manner in which the Hines vehicle container arrangement would have been modified or altered by one of ordinary skill in the art to thereby effect

the content of the claimed invention. Thus, we lack an understanding of the examiner's specific basis for the conclusion of obviousness. Nevertheless, it appears to us that any alteration of the vehicle container arrangement of Hines, to bring about a configuration as claimed, would require and entail a major overhaul of the Hines arrangement to the extent that the patentee's anti-theft objective of an easily accessible bar and lock arrangement positioned outboard and

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adjacent to the door of the vehicle would be defeated.
Clearly, one of ordinary skill in the art would not have been expected to so substantially modify the Hines teaching that its objective is defeated. For these reasons, the rejection of appellant's claims cannot be sustained.

In summary, this panel of the board has reversed the examiner's rejection of claims 4 through 15 under 35 U.S.C. § 103.

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The decision of the examiner is reversed.

REVERSED

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IRWIN CHARLES COHEN))
Administrative Patent Judge)	
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)	BOARD OF PATENT
NEAL E. ABRAMS))
Administrative Patent Judge)	APPEALS AND
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)	INTERFERENCES
)	
JEFFREY V. NASE)	
Administrative Patent Judge)	

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