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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/320,099	12/28/2005	Keith D. Weiss	10EXT0021-US-CIP	6374
95329	7590	03/06/2013	EXAMINER	
CANTOR COLBURN LLP - SABIC EXATEC			PATEL, VINOD D	
20 Church Street			ART UNIT	
22nd Floor			PAPER NUMBER	
Hartford, CT 06103			3742	
			NOTIFICATION DATE	
			DELIVERY MODE	
			03/06/2013	
			ELECTRONIC	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KEITH D. WEISS

Appeal 2010-003965
Application 11/320,099
Technology Center 3700

Before MICHAEL L. HOELTER, LYNNE H. BROWNE and
SCOTT A. DANIELS, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*

DECISION ON APPEAL

STATEMENT OF THE CASE

Keith D. Weiss (Appellant) appeals under 35 U.S.C. § 134 from the Examiner's decision finally rejecting claims 1, 2, 4 and 6-27. Claims 3 and 5 are canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We Reverse.

THE INVENTION

Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A window defroster assembly comprising:
a transparent panel having a first side;
a defroster integrally formed with the panel,
the defroster including
a transparent conductive layer overlaying at
least a portion of the panel on the first side; and
a heater grid having first and second bus
bars and a plurality of grid lines extending between
and connected to the first and second bus bars,
wherein the conductive layer is provided on the
first side of the panel in an area between at least
one adjacent pair of the grid lines, *the conductive
layer contacting and being electrically connected
to the grid lines.*

App. Br. 16 (emphasis added).

PRIOR ART

Ogawa	US 5,005,020	Apr. 2, 1991
Crawley	US 5,756,192	May 26, 1998
Funaki	US 5,766,739	Jun. 16, 1998
Takase	US 5,750,267	May 12, 1998

THE REJECTIONS

1. Claims 1, 2, 4, 6, 8, 12, 13, 17, 18, 26 and 27 stand rejected under 35 U.S.C. § 102(b) as anticipated by Ogawa.
2. Claims 7, 10, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ogawa and Crawley.
3. Claims 9, 11 and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ogawa.
4. Claims 14, 15 and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ogawa and Funaki.
5. Claims 20-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ogawa and Takase.

OPINION

The Examiner finds that Ogawa discloses each and every limitation of claim 1. Ans. 3-4. Specifically, the Examiner finds “the conductive layer (2) is provided in an area between at least one adjacent pair of the grid lines and electrically contacts the grid lines (Figure 5, column 3, lines 3-14, lines 35-36 and column 4, lines 16-17, lines 25-26, column 5, lines 30-35).” *Id.*

Appellant notes that Ogawa discloses an antenna integrated in the automotive window as a transparent layer, but “[t]he discussion on the incorporation of Ogawa's antenna with a heater grid is found in column 5 of the reference, where it states that the heater grid is positioned in a location that is different from where the antenna is positioned.” Br. 7. Appellant points out that in Ogawa

the antenna and heater grid are provided in a laminated glass construction where Ogawa includes an interlayer film between the outer glass plate and the inner glass plate of the lamination.

More specifically, the antenna is noted as being located on the inner face of the outer glass plate of the lamination. *Id* at col. 4, 11. 6-9. The electric heater, however, is provided on the inner face of the inner glass plate. *Id* at col. 5, 11. 31-34.

Br. 7. Appellant further references Ogawa's specific disclosure that "the heater grid is located 'on the side of the inner glass plate where the antenna is not formed'" (emphasis added by Appellant). Br. 8 *citing* Ogawa 6:35-40. Appellant determines "[f]rom this it is seen that the interlayer film is disposed between the antenna and the heater grid, isolating the antenna from the heater grid. *Id.* Based on this reasoning, Appellant argues "the examiner's interpretation is improper and [the rejections] should be withdrawn." Br. 8.

Appellant's argument is persuasive. Ogawa does not describe an embodiment where the conductive layer forming the antenna contacts and is electrically connected to the heater's grid lines. Ogawa, *passim*. The Examiner's finding that Figure 5 shows that the conducting layer is in contact with and electrically connected to the grid lines is speculative, because Figure 5 is a front view of the glass antenna which does not indicate which layers the various elements are positioned on or within. *Id.*, c. 2, 1. 41. Further, the Examiner's reliance on Figure 8 is misplaced as Figure 8 does not show the grid lines.

For these reasons, Ogawa does not anticipate claim 1. Accordingly, we do not sustain the Examiner's rejection of claim 1 and claims 2, 4, 6, 8, 12, 13, 17, 18, 26 and 27 which depend therefrom. The Examiner's obviousness rejection of claims 9, 11 and 16 contains the same factual deficiency and is likewise not sustained. Neither Crawley, Funaki nor

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Takase cure the deficiencies in the rejection of claim 1. Accordingly, we do not sustain the Examiner's rejection of claims 7, 10, 14, 15 and 19-25.

DECISION

We reverse the Examiner's rejections of claims 1, 2, 4 and 6-27.

REVERSED

MP