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| 11/307,360  | 02/02/2006  | Robert Brancaleone   | 81133747            | 2359             |
| 91663   | 7590        | 03/04/2013           | EXAMINER            |                  |
| Jerome R. Drouillard<br>10213 Tims Lake Blvd.<br>Grass Lake, MI 49240 |             |                      | KELLY, CATHERINE A  |                  |
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ROBERT BRANCALEONE and MICHAEL KOZAK

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Appeal 2010-004653  
Application 11/307,360  
Technology Center 3600

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Before STEVEN D.A. McCARTHY, ANNETTE R. REIMERS and  
CARL M. DeFRANCO, *Administrative Patent Judges*.

McCARTHY, *Administrative Patent Judge*.

DECISION ON APPEAL

1           The Appellants<sup>1</sup> appeal under 35 U.S.C. § 134 from the Examiner's  
2 final decision rejecting claims 1-20 under 35 U.S.C. § 103(a) as being  
3 unpatentable over Nozaki (US 2001/0015035 A1, publ. Aug. 23, 2001);  
4 Nishikawa (US 4,969,295, issued Nov. 13, 1990); and Goto

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<sup>1</sup>           The Appellants identify the real party in interest as Ford Global Technologies, LLC of Dearborn, Michigan.

1 (US 2001/0001917 A1, publ. May 31, 2001).<sup>2</sup> We have jurisdiction under  
2 35 U.S.C. § 6(b).

3 We REVERSE.

4 Claims 1, 10 and 19 are independent. Claim 1 recites:

5 1. A glass run mounting assembly for a  
6 vehicle door, comprising:  
7 an elongated stepped bracket;  
8 an elongated plate attached to said elongated  
9 stepped bracket; and  
10 a channel defined by said elongated stepped  
11 bracket and said elongated plate;  
12 said channel receiving a glass run retention  
13 member;  
14 said elongated plate having an outer surface,  
15 an inner surface, and a wall thickness  
16 therebetween;  
17 said elongated plate extending unilaterally  
18 across said elongated stepped bracket and  
19 offsetting an appliqué from said glass pane  
20 substantially by said wall thickness.

21  
22 Claim 10 also recites a glass run mounting assembly for a vehicle  
23 door including an elongated stepped bracket and an elongate plate “having  
24 an outer surface, an inner surface, and a wall thickness therebetween[,] said  
25 elongated plate extending unilaterally across said elongated stepped bracket  
26 and offsetting an appliqué from said glass pane substantially by said wall  
27 thickness.” Claim 19 recites a glass run mounting assembly for a vehicle  
28 door including an elongated bracket; an elongate plate “having an outer  
29 surface, an inner surface, and a wall thickness therebetween;” and “an

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<sup>2</sup> On page 2 of the Examiner’s Answer, the Examiner withdrew a rejection of claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite.

1 appliqué attached to said outer surface[,] said appliqué offset from said glass  
2 pane substantially by one of said wall thickness.”

3         Nozaki describes trim and glass run attachment structures for  
4 attachment to the window frames of automobiles. (Nozaki, para. [0014]).  
5 Various embodiments of such trim and glass run attachment structures are  
6 depicted in the drawing figures of Nozaki, including Figures 1 and 9. In  
7 particular, Figures 1 and 2 of Nozaki depict an assembly including an outer  
8 panel *16*, a door sash *17* and a glass run *20* attached in an attachment groove  
9 or channel *17c*. (Nozaki, paras. [0038] and [0042]). The Examiner, on page  
10 4 of the Examiner’s Answer, particularly cites to Figure 1 of Nozaki as  
11 depicting the “mounting assembly of claim 1 . . . where the elongated  
12 stepped bracket is reference numeral 17, elongated plate 16, and channel  
13 (unnumbered, see below figure 1) for glass run retention member 20 formed  
14 by bracket 17 and plate 16.”

15         Nishikawa describes a corner bracket *26* for the front window of an  
16 automobile. The corner bracket *26* includes an outer panel *26a* and a trim  
17 panel *32* provided at the outer face of the outer panel *26a*. (Nishikawa, col  
18 7, ll. 4-8 and 44-45, and figs. 5 and 6; *see also id.*, col. 5, ll. 12-16 and 43-  
19 45). The Examiner finds that Nishikawa’s description of the combination of  
20 the corner bracket *26* and the trim panel *32* would have suggested placing an  
21 appliqué on the outer panel *16* of the trim and glass run attachment structure  
22 depicted in Figure 1 of Nozaki “as the appliqué is aesthetically pleasing.”  
23 (Ans. 4). The Examiner’s conclusion that one of ordinary skill in the art  
24 would have placed an appliqué on the outer panel *16* of the trim and glass  
25 run attachment structure depicted in Figure 1 of Nozaki for aesthetic reasons

1 implies that the appliqué would have been placed on the outer face of the  
2 outer panel 16 so as to be visible on the assembled automobile.

3        Claims 1 and 10 recite an elongated plate “offsetting an appliqué from  
4 said glass pane *substantially* by said wall thickness.” (Italics added.) Claim  
5 19 similarly recites that the appliqué is “offset from said glass pane  
6 *substantially* by one of said wall thickness.” (Italics added.) The term  
7 “substantially” is a term of degree. Since neither the Examiner nor the  
8 Appellants suggest any standard for determining what one of ordinary skill  
9 in the art might understand by an offset “substantially by said wall  
10 thickness,” we turn to the Specification for guidance in interpreting this  
11 term. *See Seattle Box Co. v. Industrial Crating & Packing, Inc.*, 731 F.2d  
12 818, 826 (Fed. Cir. 1984).

13        As the Appellants correctly point out (*see* App. Br. 6), the  
14 Specification teaches that it would be desirable “to provide a mounting  
15 assembly that minimizes the offset distance between the appliqué and the  
16 windowpane and thus decreases air drag on the vehicle and streamlines the  
17 vehicle design.” (Spec., Para. 4; *see also id.*, Para. 26). The Specification  
18 contrasts this with the state of prior art sash constructions in which the  
19 appliqué is offset from the glass pane at least twice the thickness of the sheet  
20 metal from which the prior art constructions were made. (*See* Spec., Para.  
21 3). Figure 4 of the Appellants’ drawings depicts an appliqué offset from the  
22 pane of glass both by a single thickness of the sheet metal of the elongated  
23 stepped bracket 56 and by an additional distance attributable to the upper  
24 portion of the retention member 42. (*See* Spec., Para. 26). This arrangement  
25 suggests that the term “offsetting . . . substantially by said wall thickness” is  
26 sufficiently broad to encompass an offset by both a single sheet metal

