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EXAMINER

QUARTERMAN, KEVIN J

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RAMONA RAE FECHTER and MARK ROGERS

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Appeal 2010-005499  
Application 10/674,275  
Technology Center 2800

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Before JOHN A. JEFFERY, JEFFREY S. SMITH, and  
STANLEY M. WEINBERG, *Administrative Patent Judges*.

WEINBERG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-4, 8, 9, and 17-19. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Claims 1-4, 8, 9, and 17-19 stand rejected under 35 U.S.C. § 102(b) as anticipated by Burrows (US 6,271,631 B1; Aug. 7, 2001).<sup>1</sup>

Claims 10-16, 20, and 21 are withdrawn from consideration. App. Br. 1.

Claims 5-7 are canceled. April 15, 2008 Amended Appeal Brief.

#### STATEMENT OF THE CASE

Appellants' invention relates to the combination of a thick film, inorganic electroluminescent (EL) panel and, in particular, to the construction of an EL panel having relatively thin luminous areas. Spec. 1:3-5. The lamp is an integral part of the article. Spec. 6:7.

Independent claim 1 is illustrative with key disputed limitations emphasized:

1. An injection molded article having an electroluminescent panel as a first surface of the article, said article characterized in that

*the panel is an integral part of the article as a result of injection molding.*

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<sup>1</sup> Throughout this opinion, we refer to (1) the Appeal Brief filed March 17, 2008, as Amended on April 15, 2008; and (2) the Examiner's Answer mailed June 23, 2009.

### THE ANTICIPATION REJECTION

The Examiner finds that Burrows discloses every recited feature of representative claim 1 including a panel that is an integral part of an article. Ans. 3:14, 18-19.

Appellants argue that because Burrows' EL lamp 300 is affixed to a substrate or is on an appliance, it is not integral. Br. 3:14-19, 22-24.

### ISSUE

Under § 102, has the Examiner erred by finding that Burrows discloses a panel that is an integral part of an article?

### ANALYSIS

We have reviewed the Examiner's rejection of claim 1 in light of Appellants' contentions, and we disagree with Appellants' conclusions.

We concur with the conclusions reached by the Examiner. We also agree with the Examiner's findings with respect to Burrows, including the Examiner's determination that Figure 7 of Burrows discloses an electroluminescent panel 701A-701D that is an integral part of the article – the phone. Ans. 3, 6. "Integral" covers more than a unitary or a one-piece construction. *In re Morris*, 127 F.3d 1048, 1055-56 (Fed. Cir. 1997). Appellants' Specification uses the term "integral" only once (Spec. 6:7) and does not define the term. We also agree with the Examiner's conclusion that he did not give any patentable weight to claim 1's recitation of "as a result of injection molding" because the patentability of a device does not depend on its method of production – here, injection molding, contrary to Appellants' contention. *Compare* Br. 4:12-13 *with* Ans. 3:14-18; 5:16-21.

We therefore agree with the Examiner's findings and conclusions and adopt them as our own.

We are therefore not persuaded that the Examiner erred in rejecting (1) representative claim 1; (2) claims 17 and 19 for similar reasons; and (3) claims 2-4, 8, 9, and 18 not separately argued with particularity.

Accordingly, we will sustain the Examiner's rejection of claims 1-4, 8, 9, and 17-19.

#### CONCLUSION

Under § 102, the Examiner did not err in rejecting claims 1-4, 8, 9, and 17-19.

#### DECISION

The Examiner's decision rejecting claims 1-4, 8, 9, and 17-19 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED

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