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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 11/735,165 filed 04/13/2007 by William T. Matthews, attorney 201990.01890, confirmation 1419, examiner JENNISON, BRIAN W, art unit 3742, notification date 01/18/2013, delivery mode ELECTRONIC.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WILLIAM T. MATTHEWS and BRYAN NELSON

Appeal 2010-008979
Application 11/735,165
Technology Center 3700

Before LINDA E. HORNER, EDWARD A. BROWN and
CHARLES N. GREENHUT, *Administrative Patent Judges*.

GREENHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from the rejection of claims 21-28. App. Br. 5. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The claims are directed to a contact tip for pulse welding with an aluminum wire where an aluminum wire feeds through a contact tip and is subsequently melted during the welding process. App. Br. 7. Claim 21 is illustrative of the claimed subject matter:

21. A contact tip for pulse welding with an aluminum wire by a welding gun, the contact tip comprising:

an uppermost threaded end, at which the aluminum wire enters the contact tip;

a lowermost exit end, from which the aluminum wire exits the contact tip;

a passage larger than the aluminum wire, defined between the uppermost threaded end and the lowermost exit end, and terminating in a lower rim defining a reduced sized opening compared to other parts of the passage and generally matching the diameter of the aluminum wire, wherein the uppermost threaded end, the lowermost exit end, and the passage including the lowermost exit end and the lower rim are defined as a single piece;

an insulator sleeve with a tapered upper end, located within a portion of the passage, wherein the insulator sleeve acts to eliminate contact between the aluminum wire and the passage and to define a limited contact area between the rim and the aluminum wire; and

a consistent repeatable contact point defined by a location on the rim of the passage which is in contact with the aluminum wire, wherein the contact point is adjacent the exit end, and wherein having the consistent repeatable contact point on the rim of the passage allows for a consistent aluminum welding process.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Gordon et al.	US 2006/0151453 A1	Jul. 13, 2006
Hori et al.	US 5,635,091	Jun. 3, 1997
Gordon et al.	WO 03/039800 A1	May 15, 2003

REJECTIONS

Claims 21-23 and 25-28 are rejected under 35 U.S.C. § 102(b) as anticipated by Gordon '800¹. Ans. 3.

Claim 24 is rejected under 35 U.S.C. § 103(a) as unpatentable over Gordon and Hori. Ans. 6.

OPINION

A. 35 U.S.C. § 102(b) rejection of Claims 21-23 and 25-28 as anticipated by Gordon

Appellants state that the claimed subject matter is shown in Figure 9 of the present Specification. App. Br. 7. The Examiner relies on the embodiment depicted in Figure 14 of Gordon in support of the rejection of claim 21. Ans. 8. Those two illustrations are reprinted below, with Figure 14 of Gordon rotated to the same orientation as Fig. 9 of the present application.

¹ Like the Examiner, we will reference US 2006/0151453 A1 as an equivalent disclosure.

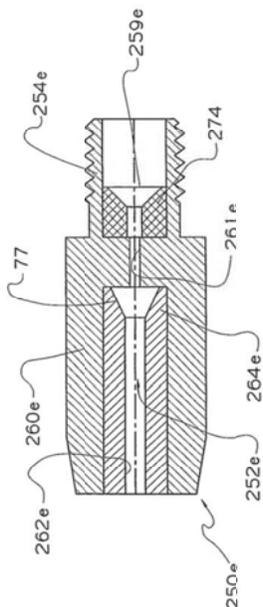


FIG-14

Gordon, Fig. 14

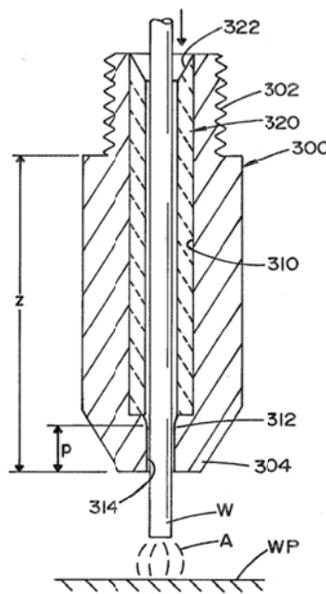


FIG. 9

Present specification, Fig. 9

The Examiner found that Gordon describes a reduced diameter rim at the lowermost end of the tip near 250e as compared to a wider portion at inlet 77. Ans. 4, 8. Thus, the structure of Gordon interpreted by the Examiner as the recited “lower rim defining a reduced sized opening” is a part of the ceramic insert 264e. Appellants correctly argue (*see* Reply Br. 4) that this structure is not “defined as a single piece” with the structure 254e identified by the Examiner as the “uppermost threaded end.” Rather, it is part of the section 264e identified by the Examiner as the recited “insulator sleeve” which, according to the claim, must be “within” bore 252e, interpreted by the Examiner as the “passage. . . terminating in [the] lower rim.” The Examiner provides no further explanation as to how the “uppermost threaded end, lowermost exit end, rim and passage are all formed as

one piece” (*see* Ans. 8), or how Gordon’s section 264e which defines the bore 252e is also within it.

Therefore, we must reverse the 35 USC § 102(b) rejection of claims 21-23 and 25-28.

B. 35 U.S.C. § 103(a) rejection of Claim 24 as unpatentable over Gordon and Hori

Appellants have indicated that the rejection of claim 24 stands or falls with the rejection of claim 21. (Reply Br. 3) The Examiner has separately addressed claim 24 (Ans. 7, 8) but the features the Examiner identifies as disclosed by the secondary reference do not relate to the limitations of claim 21 discussed above. Since the Examiner’s application of Hori does not cure the deficiencies of the Examiner's rejection of claim 21 based on Gordon, we likewise reverse the rejection of claim 24.

DECISION

We reverse the rejection of claims 21-23 and 25-28 under 35 U.S.C. § 102(b) as anticipated by Gordon.

We reverse the rejection of Claim 24 under 35 U.S.C. § 103(a) as unpatentable over Gordon and Hori.

REVERSED

Klh