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46726	7590	01/24/2013	EXAMINER	
BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562			ROHRHOFF, DANIEL J	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RAINER BRACHERT

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Appeal 2010-011330  
Application 10/582,209  
Technology Center 3600

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Before: WILLIAM V. SAINDON, ANNETTE R. REIMERS, and  
JILL D. HILL, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 15-23, 29-31, and 34-38. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

*The Claimed Subject Matter*

Claim 15, reproduced below, is illustrative of the claimed subject matter.

15. A housing for a household appliance, comprising a body and at least one door, which is connected to the body in a manner that enables it to swivel due to the provision of at least one first and one second multiple-articulation hinge, wherein the door is supported on an upper supporting surface of the first multiple-articulation hinge and a lower supporting surface of the second multiple-articulation hinge by means of at least one shim inserted between the door and at least one of the supporting surfaces.

*References*

The Examiner relies upon the following prior art references:

Horgan	US 3,555,733	Jan. 19, 1971
Richardson	US 5,113,628	May 19, 1992
Lanzani	US 5,471,709	Dec. 5, 1995
Mansfeld	GB 708,367	May 5, 1954

*Rejections*

The Examiner makes the following obviousness rejections under 35 U.S.C. § 103(a):

- I. Claims 15-19, 21-23, 29-31, and 34-36 over Lanzani and Mansfeld.

- II. Claim 20 over Lanzani, Mansfeld, and Richardson.
- III. Claims 37 and 38 over Lanzani, Mansfeld, and Horgan.

### OPINION

Appellant argues claims 15-19, 21-23, 29-31, and 34-36 as a group (App. Br. 10-17); we select claim 15 as representative. Appellant separately argues the rejections of (II) claim 20 and (III) claims 37 and 38, but relies on the arguments set forth for the first group (including claim 15). App. Br. 17-18. Accordingly, the outcome of these rejections will be determined from the resolution of the issues raised for claim 15.

In general, the claim is directed to a hinge between a body and a door (e.g., of a refrigerator). Shims are placed between the door and a part of the hinge (e.g., to adjust the relative position of the door on the body).

The Examiner found that Lanzani describes all the features of the claimed device, except for the shim between the door and the supporting surface of the hinge. Ans. 4. The Examiner found that Mansfeld describes a shim between a door and a supporting surface of a hinge. *Id.* The Examiner concluded that it would have been obvious to modify the hinge of Lanzani to include a shim between the door and a supporting surface of the hinge to allow for vertical adjustment of the door. *Id.*; *see also* Ans. 13-14 (explaining the benefits of the combination).

Appellant argues, throughout both briefs, that Lanzani discusses adjustment of the position of the panel with respect to the door (as opposed to the door with respect to the body).<sup>1</sup> While we consider this statement

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<sup>1</sup> Lanzani discloses a hinge for a door of a built-in appliance wherein the hinge likewise attaches to a panel that matches the surrounding furniture (or

accurate, there is no reason the primary reference is required to disclose or expressly suggest the Examiner's proposed modification. The Examiner relies upon Mansfeld to describe the addition of shims to adjust the door/body relationship. *See* Ans. 4.

Appellant's arguments that one of ordinary skill in the art would have no reason to modify the hinge in Lanzani to include Mansfeld's shims are likewise unpersuasive. The ability of Lanzani to adjust the panel relative to the door does not preclude the ability of the door to be adjusted relative to the body. These two adjustments are not redundant because they adjust different things. Accordingly, the proposed modification would allow for the further benefit of having vertical adjustment of the door relative to the body, something Lanzani cannot do.

Having reviewed Appellant's arguments, we are not apprised of error in the Examiner's rejection of claim 15. Claims 16-19, 21-23, 29-31, and 34-36 fall therewith. The Examiner's rejections of claims 20, 37, and 38, are likewise not in error.

#### DECISION

We AFFIRM the Examiner's decision regarding claims 15-23, 29-31, and 34-38.

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)(iv).

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cabinetry). *See, e.g.*, col. 1, ll. 13-24. Lanzani is concerned with making sure the panel on the door is flush with the other surrounding surfaces. *See, e.g.*, col. 1, ll. 25-35, 40-47, col. 2, ll. 21-24.

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AFFIRMED

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