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11/985,180	11/14/2007	Edward Albert Bright	7798	6195
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JOHNS MANVILLE Legal Department 10100 West Ute Avenue Littleton, CO 80127			MUSSER, BARBARA J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL
AND APPEAL BOARD

Ex parte EDWARD ALBERT BRIGHT

Appeal 2011-003969
Application 11/985,180
Technology Center 1700

Before RICHARD E. SCHAFER, CHUNG K. PAK, and
BEVERLY A. FRANKLIN, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 from the Examiner's rejection of claims 1-17. We have jurisdiction under 35 U.S.C. § 6.

STATEMENT OF THE CASE

Claim 1 is representative of the subject matter on appeal and is set forth below:

1. A method of installing pipe insulation comprising:
passing a length of pipe insulation over a length of pipe; the

pipe insulation having a wall with an outer cylindrical surface and an inner cylindrical surface for overlaying an outer surface of the length of pipe; the wall having a length; the pipe insulation further having a longitudinally extending slit extending from the outer cylindrical surface to the inner cylindrical surface of the wall and for the length of the wall; the pipe insulation further having a jacket overlaying the outer cylindrical surface of the wall; the jacket having a first lateral edge portion; the jacket further having a second lateral edge portion that forms a longitudinally extending flap for overlapping the first lateral edge portion of the jacket;

mounting the length of pipe insulation on the length of pipe;

overlapping the longitudinally extending flap over the first lateral edge portion of the jacket;

sealing the pipe insulation by applying a continuous adhesive to an exterior of the longitudinally extending flap and an exterior area of the jacket adjacent the first lateral edge portion.

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

Cohen	US 4,595,615	Jun. 17, 1986
Grenier	US 4,605,043	Aug. 12, 1986
Princell	US 2007/0292647 A1	Dec. 20, 2007
Moore	US 2008/0081138 A1	Apr. 3, 2008

THE REJECTIONS

1. Claims 1-10, 12, and 15 under 35 U.S.C. §102(b) as being anticipated by Cohen.

2. Claims 1-6, 8-10, and 15 under 35 U.S.C. §102(b) as being anticipated by Grenier.
3. Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Grenier.
4. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Grenier, taken further in view of Princell.
5. Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen or Grenier.

ANALYSIS

As an initial matter, Appellant has not presented separate arguments for all of the rejected claims. Rather, Appellant's arguments are principally directed to independent claim 1. Any claim not separately argued will stand or fall with its respective independent claim. *See* 37 C.F.R. § 41.37(c)(1)(vii).

We essentially adopt the Examiner's findings pertinent to the issues raised by Appellant. We therefore incorporate the Examiner's position as set forth in the Answer. We add the following for emphasis only.

Rejections 1 and 2

Issue: Did the Examiner err in determining that Cohen or Grenier anticipates claim 1, and, in particular, with regard to the aspect of claim 1 pertaining to “sealing the pipe insulation by applying a continuous adhesive to an exterior of the longitudinally extending flap and an exterior area of the jacket adjacent the first lateral edge portion”?

We answer this question in the negative and AFFIRM.

Appellant argues that one skilled in the art would understand that applying the continuous adhesive to the longitudinally extending flap means that it can only be applied as a continuous adhesive along the [entire] length of the pipe. Br. 4.

However, as correctly determined by the Examiner, the original Specification or the plain language of claim 1 does not indicate the adhesive tape extends along the entire length of the pipe, but that it is on **an exterior** [emphasis added] of the longitudinally extending flap and **an exterior surface** [emphasis added] of the jacket adjacent the first lateral edge. (Compare Ans. 6 with *e.g.*, p. 2 of the Specification at lines 21-23, and p. 3 of the Specification at lines 7-9.) We concur with the Examiner that the broadest reasonable meaning of the word “an exterior” or “an exterior surface” in light of the Specification indicates a portion of the pipe length and not necessarily the entire length of the pipe.

Having determined that the continuous adhesive is applied as interpreted above, we thus agree with the Examiner’s anticipation rejection

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of claim 1 over Cohen or Grenier for the reasons provided in the Answer, which we incorporate as our own.

In view of the above, we affirm Rejections 1 and 2.

Rejections 3-5

Appellant argues that the secondary references do not cure the asserted deficiencies of the primary references and/or argue similar arguments as discussed above. Br. 6-7. Hence, for the reasons that we affirm Rejections 1 and 2, we also affirm Rejections 3-5.

CONCLUSIONS OF LAW AND DECISION

Each rejection 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).

AFFIRMED

kmm