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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NILS-ERIK ENGSTROM

Appeal 2011-005704
Application 11/242,127
Technology Center 3600

Before LINDA E. HORNER, STEVEN D.A. McCARTHY, and
ANNETTE R. REIMERS, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Nils-Erik Engstrom (Appellant) seeks our review under 35 U.S.C. § 134 of the Examiner's decision rejecting claims 1-3, 5-8, 10-13, 22-24, and 30, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

THE INVENTION

Appellant's claimed invention "relates to a joint used for connecting panels." Spec. 1.¹ Claim 1, reproduced below, is the sole independent claim and is illustrative of the subject matter on appeal.

1. A joint between floor panels having a first edge and a second edge wherein the first edge is provided with a distal edge and a downwards protruding heel, that the distal edge further is provided with an upper joint edge beneath which a groove is arranged and

wherein the second edge is provided with a lower cheek having a distal end at which an upwards protruding lower cheek heel is arranged, that the second edge further is provided with an upper joining edge beneath which an undercut is arranged; and

wherein a moveable locking element is arranged in the space created by the undercut, said moveable locking element having a locking tongue, a locking tongue leg and a maneuvering leg, said maneuvering leg comprising proximate and distal edges, said proximate edge connected to said locking leg, and a hinge located between said proximate and distal edges; the hinge causing a cam lock effect on the locking tongue of the movable locking element through the locking tongue leg when the proximate and distal edges of the maneuvering leg are in a substantially coplanar position.

THE REJECTIONS

Appellant seeks review of the following rejections:

1. Claims 1-3, 5-8, 22-24, and 30 under 35 U.S.C. § 102(b) as anticipated by Martensson (US 6,854,235 B2; iss. Feb. 15, 2005).

¹ Citations to "Spec." herein refer to the Substitute Specification filed on February 9, 2006, as amended on February 1, 2008.

2. Claims 10-13 under 35 U.S.C. § 103(a) as unpatentable over Martensson.

ANALYSIS

Independent claim 1 calls for the “hinge causing a cam lock effect on the locking tongue of the movable locking element *through the locking tongue leg* when the proximate and distal edges of the maneuvering leg are in a substantially coplanar position” (emphasis added). The Specification describes the cam lock effect with regard only to the hinged embodiment shown in Figures 4a and 4b. Spec. 3, 10. As depicted in Figures 4a and 4b, as the heel 22 moves vertically downwardly, it presses downwardly on maneuvering leg 43 to cause rotation of proximate and distal edges about hinge 100 to a substantially coplanar position. The rotation of proximate and distal edges of leg 43 about hinge 100 imparts a force through locking leg 42 to cause locking tongue 41 to move from the retracted position shown in Figure 4a to the extended position shown in Figure 4b, so that locking tongue 41 engages groove 23 in first edge 2. Based on this disclosure, we understand the claim language calling for the “hinge causing a cam lock effect on the locking tongue of the movable locking element through the locking tongue leg when the proximate and distal edges of the maneuvering leg are in a substantially coplanar position” to call for movement of the proximate and distal edges of the maneuvering leg about the hinge to impart a force through the locking tongue leg to cause movement of the locking tongue.

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Appellant argues that Martensson does not anticipate claim 1 because it does not disclose the claimed moveable locking element having a hinge located between proximate and distal edges of a maneuvering leg so as to cause a cam lock effect as called for in claim 1. App. Br. 4; Reply Br. 2.

The Examiner determined:

When inserting the tongue of another adjacent board (as defined at 31, 21) the hinge causes the inserted element to have a transformation of motion from one direction (either sliding or rotating into place) to another linear motion as the hinge causes a pushing motion on that tongue thereby coming [sic] it into a locked position.

Ans. 8.

While Martensson's hinge (as annotated by the Examiner, *see* Ans. 4) likely exerts some force against the inserted element (heel 31) thereby forcing it against the locking tongue portion (at 32), the Examiner's explanation fails to address the portion of the claim language that calls for the cam lock effect on the locking tongue to be "through the locking tongue leg." The Examiner finds that the asserted camming action is imparted through the heel 31 of the inserted element and not through the locking tongue leg of Martensson's resilient part 7. As such, the Examiner has failed to show that Martensson discloses all the elements called for in claim 1. Thus, the Examiner has not shown that Martensson anticipates claim 1 and dependent claims 2, 3, 5-8, 22-24, and 30.

The Examiner's conclusion of obviousness of claims 10-13 based on Martensson relies on the same deficient finding as to the scope and content of Martensson as discussed *supra* in the analysis of claim 1. As such, the

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Examiner's rejection of claims 10-13 under 35 U.S.C. § 103(a) cannot be sustained.

DECISION

We REVERSE the decision of the Examiner to reject claims 1-3, 5-8, 10-13, 22-24, and 30.

REVERSED

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