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11/863,823	09/28/2007	Gregory John Charles Stokes	21854-00092-US2	2385
30678	7590	01/22/2013	EXAMINER	
NOVAK DRUCE CONNOLLY BOVE & QUIGG LLP			STULII, VERA	
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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.

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* GREGORY JOHN CHARLES STOKES  
And STEVEN JOHN ANTHONY BARICS

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Appeal 2011-013135  
Application 11/863,823  
Technology Center 1700

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Before EDWARD C. KIMLIN, TERRY J. OWENS, and  
BEVERLY A. FRANKLIN, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-16. We have jurisdiction under 35 U.S.C. § 6(b). Claim 1 is illustrative:

1. A filled two-piece aluminum can containing a wine that has less than 35 ppm of free SO<sub>2</sub>, less than 300 ppm of chlorides and less than 800 ppm of sulfates, the can being sealed with an aluminum closure such that the pressure within the can is at least 25 psi and wherein the inner surface of the aluminum can is coated with a corrosion resistant coating.

The Examiner relies upon the following references as evidence of obviousness:

Miyazaki et al. (Miyazaki)      JP 62-014777      Jan. 23, 1987

Ferrarini et al., "Packaging of Wine in Aluminum Cans," *Oenology Dept. of C.R.V.E. Grape and Wine Research Centre, Bologna University, No. 5*, pp. 59-64 (1992).

Kojima et al., "Corrosion of Aluminum in White Wine," *Corrosion Engineering* 45, pp. 357-371 (1996).

Leske et al., "The composition of Australian grape juice: chloride, sodium and sulfate ions," *Australian Journal of Grape and Wine Research* 3, pp. 26-30 (Apr. 1997).

The appealed claims stand rejected under 35 U.S.C. § 103 as follows:

- (a) claims 1-4, 8-12, 15, and 16 over Ferrarini in view of Kojima,
- (b) claims 6, 7, 13, and 14 over the stated combinations of references further in view of Leske, and
- (c) claim 5 over the stated combination of references further in view of Miyazaki.

Appellants do not present separate arguments for any particular claim on appeal. Appellants also do not present separate, substantive arguments against the Examiner's § 103 rejections of claims 5-7, 13, and 14. Accordingly, all the appealed claims stand or fall together with claim 1.

The instant appeal is closely related to a co-pending application presently before us, Appeal No. 2011-013108. The difference between claim 1 on appeal and claim 1 in the related case is that instant claim 1 specifies that the pressure within the can is at least 25 psi. However, Appellants do not argue patentability based on this limitation. Also, the

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prior art relied upon by the Examiner and the arguments and evidence presented by Appellants are essentially the same as that in the related appeal.

Accordingly, we will sustain the Examiner rejections for essentially those reasons expressed in the Answer and articulated by the Board in the related appeal. Reiterating Appellants' arguments and our reasons underlying the decision would serve no purpose other than to further burden the record.

The Examiner's decision rejecting the appealed 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)(iv).

AFFIRMED

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