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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			WU, VICKI H	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* SHUNTARO URATA and YUKI SAKAMOTO

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Appeal 2011-013457  
Application 12/057,769  
Technology Center 1700

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Before TERRY J. OWENS, DEBORAH KATZ, and  
JAMES C. HOUSEL, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

### STATEMENT OF THE CASE

The Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 2-5, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

#### *The Invention*

The Appellants claim a method for making an implant bridge. Claim 2 is illustrative:

2. A method of production of an implant bridge, comprising:
  - producing a semi-sintered body of an implant bridge material;
  - milling the semi-sintered body into the form of a precursor of an implant bridge;
  - completely sintering said precursor of the implant bridge;and
  - milling the completely sintered implant bridge to form a fitting part into which a through hole is formed for a fastening screw.

#### *The References*

Wohlwend	US 5,788,498	Aug. 4, 1998
Gubler	US 2007/0275352 A1	Nov. 29, 2007
Yataro <sup>1</sup> (as translated)	JP 2004-344321 A	Dec. 9, 2004

#### *The Rejections*

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 2-4 over Yataro in view of Wohlwend and claim 5 over Yataro in view of Wohlwend and Gubler.

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<sup>1</sup> The Examiner and the Appellants refer to Yataro Komiyama as "Yataro" (Ans. 4; Br. 2). For consistency, we likewise do so.

## OPINION

We affirm the rejections.

The Appellants argue claims 2-4 as a group. Although an additional reference is applied in the rejection of claim 5 the Appellants do not separately argue that claim (Br. 3-4). Claims 2-5, therefore, stand or fall together. Accordingly, we limit our discussion to one claim, i.e., claim 2, which is the sole independent claim. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2007).

The Appellants argue that “[s]ince Wohlwend discloses preparing a receiving opening in a ceramic reinforcing member of an artificial tooth and not, as described in Yataro, milling a completely sintered implant bridge to form a fitting part into which a through hole is formed for a fastening screw, one would not be motivated to replace the processing steps described in Yataro with the method described in Wohlwend” (Br. 3).

Yataro discloses a dental implant device comprising an abutment (2) which “exactly engages with the portion located in the mouth inside” and has a hole through it for an abutment screw (3) (¶ 0018, Drawing 4). Yataro does not disclose the technique for shaping the abutment such that it provides the desired exact engagement of the abutment and its screw hole with the portion inside the mouth, i.e., an implant fixture (1) (Drawing 4).

Wohlwend discloses a method for manufacturing an artificial tooth replacement by milling a tooth stump-receiving opening into a pre-sintered ceramic reinforcing member, finish sintering the pre-sintered ceramic reinforcing member, and grinding the finish-sintered ceramic reinforcing

member's tooth stump-receiving opening until it matches the tooth stump of a patient (col. 2, ll. 44-57).

Although the opening formed by Wohlwend is not a through hole, Wohlwend's disclosure of milling a pre-sintered ceramic member to form an opening which does not have an exact shape and then, after final-sintering the ceramic member, finish-grinding the opening such that it has the desired exact shape, would have led one of ordinary skill in the art, through no more than ordinary creativity, to apply that technique to form Yataro's abutment and its through hole in order to obtain the desired exact engagement of the abutment and screw hole with the implant fixture. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (In making an obviousness determination one "can take account of the inferences and creative steps that a person of ordinary skill in the art would employ").

Thus, we are not persuaded of reversible error in the Examiner's rejections.

#### DECISION/ORDER

The rejections under 35 U.S.C. § 103 of claims 2-4 over Yataro in view of Wohlwend and claim 5 over Yataro in view of Wohlwend and Gubler are affirmed.

It is ordered that the Examiner's decision 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).

AFFIRMED

kmm