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11/782,973	07/25/2007	Kilian Peter Hochrein	FA/221A	8502
28596	7590	02/28/2013	EXAMINER	
W. L. GORE & ASSOCIATES, INC. 551 PAPER MILL ROAD P. O. BOX 9206 NEWARK, DE 19714-9206			JUSKA, CHERYL ANN	
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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* KILIAN PETER HOCHREIN  
and AMBROSIUS BAUER

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Appeal 2012-001038  
Application 11/782,973  
Technology Center 1700

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Before EDWARD C. KIMLIN, JEFFREY T. SMITH, and  
JAMES C. HOUSEL, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-12. We have jurisdiction under 35 U.S.C. § 6(b). Claim 1 is illustrative:

1. An aerobic treatment system comprising
  - a) a biodegradable material to be aerobically treated; and
  - b) a cover oriented adjacent said biodegradable material, which cover comprises a laminate of
    - a) a porous polymeric inner layer comprising porous polytetrafluoroethylene having an average pore size of between 0.2 and 10 $\mu$ m and having on one side an oleophobic coating oriented to face said biodegradable material, said layer adhered on its opposite side to



set forth in the Answer, which we incorporate herein, and we add the following for emphasis only.

There is no dispute that Schauz, like Appellants, discloses a cover for an aerobic treatment system comprising a porous polymeric inner layer and fabric layers. As recognized by the Examiner, the porous polymeric inner layer of Schauz comprises polyurethane rather than the polytetrafluoroethylene presently claimed. However, Chikamori discloses a porous polymeric layer for covering an aerobic treatment system wherein the polymeric layer may be polyurethane or polytetrafluoroethylene, with polytetrafluoroethylene being preferred. Accordingly, we fully concur with the Examiner that it would have been obvious for one of ordinary skill in the art to substitute the preferred polytetrafluoroethylene of Chikamori for the polyurethane layer of Schauz with the reasonable expectation of obtaining an equivalent, water proof air-permeable membrane. While Appellants emphasize that Schauz does not teach or suggest a cover comprising porous polytetrafluoroethylene, Appellants have advanced no reason for why it would have been nonobvious for one of ordinary skill in the art to substitute the polytetrafluoroethylene of Chikamori for the polyurethane of Schauz. Consequently, Appellants have not rebutted the Examiner's reasonable position.

Appellants also maintain that Chikamori provides no teachings or suggestion of an oleophobic coating oriented to face the biodegradable material. However, as pointed out by the Examiner, Chikamori teaches a hydrophilic polymer coating on the porous film for the purpose of preventing degradation from oil contact, and we agree with the Examiner

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that such a hydrophilic coating would have reasonably suggested the use of an oleophobic coating. Manifestly, a hydrophilic material is oleophobic.

As a final point, we note that Appellants base no argument upon objective evidence of nonobviousness, such as unexpected results.

In conclusion, based on the foregoing and the reasons well stated by the Examiner, the Examiner's decision rejecting the appealed claims is affirmed.

The decision of the Examiner 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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