



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/488,805	06/05/2012	Takashi Okano	HG-42136 (710240-6065)	4885
59582	7590	11/18/2016	EXAMINER	
DICKINSON WRIGHT PLLC 2600 WEST BIG BEAVER ROAD SUITE 300 TROY, MI 48084-3312			LEE, GILBERT Y	
			ART UNIT	PAPER NUMBER
			3675	
			MAIL DATE	DELIVERY MODE
			11/18/2016	PAPER

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 TAKASHI OKANO, STEVEN HONKALA, and
HUBERT KOEHLER

Appeal 2015-000719
Application 13/488,805
Technology Center 3600

Before: ANNETTE R. REIMERS, JEFFREY A. STEPHENS, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1–12 under 35 U.S.C. §103(a) as being unpatentable over Ueta (US 2007/0090608 A1, pub. Apr. 26, 2007), Kestly (US 5,277,434, iss. Jan. 11, 1994), and Flemming (US 2008/0042371 A1, pub. Feb. 21, 2008). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

CLAIMED SUBJECT MATTER

The claims are directed to a metal gasket assembly. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A gasket assembly comprising;
 - a plurality of metal gasket layers including at least a first gasket layer and a second gasket layer each having an inboard edge circumscribing at least one aperture to be sealed and an outboard region radially spaced from said aperture,
 - at least one sealing bead disposed along at least one of said gasket layers between said inboard edge and said outboard region,
 - a stopper layer disposed between said gasket layers and attached to said outboard region of said first gasket layer at an attachment joint wherein said stopper layer extends from said attachment joint to said inboard edge of said gasket layers,
 - a coating of sealing material applied between said first gasket layer and said stopper layer,
 - said coating extending from said inboard edge of said first gasket layer to present a contact region adjacent to and immediately surrounding said aperture defined by said first gasket layer and said stopper layer being in direct continuous contact with said coating applied therebetween for preventing gas leakage between said first gasket layer and said stopper layer and for preventing metal to metal contact between said first gasket layer and said stopper layer.

OPINION

The Examiner finds that Ueta discloses the claimed plurality of metal gasket layers, sealing bead and stopper layer. Final Act. 2–3. The Examiner relies on Flemming for teaching “welding a stopper to a base plate at a joint (6) at an outboard region,” i.e. the claimed attachment joint. *Id.* at 3. Then, the Examiner states that Kestly teaches “adding an elastomeric coating (62) to the base plates of the gasket.” *Id.* The Examiner further finds that it

would be obvious to modify Ueta to include the teachings of Flemming and Kestly. *Id.* at 2–3.

Appellants argue that combining the teachings of Ueta, Flemming and Kestly does not produce “a direct metal-to-metal contact between the first gasket layer and the stopper layer . . . required to establish a weld therebetween,” which is necessary to form the claimed attachment joint.

Appeal Br. 7. Appellants state:

Merriam-Webster’s Dictiona[r]y defines the term “joint” as being “an area at which two ends, surfaces or edges are attached”. In other words, a “joint” requires a direct end to end, surface to surface or edge to edge contact between two components. Applying the meaning of this term to claim 1, it is inherent that the coating of the sealing material must be applied to less than the entire inner surface of the first gasket layer to allow for the “attachment joint” between the first gasket layer and the stopper layer.

Id. at 6. Appellants then reason that because Kestly teaches coating the entire gasket layer, Appellants’ claims (i.e. hindsight) are the only reason to provide less than an entire surface coating which is required to create a welded joint as claimed.

Appellants also argue that “[i]f the Kestly coating is applied to the entire inner surface of the Ueta first gasket layer, there cannot be an ‘attachment joint’ under the plain and ordinary meaning of this term because the Kestly coating would be positioned between the stopper and first gasket layers.” *Id.* at 8.

In response, the Examiner rejects Appellants’ definition of “joint.” Answer 2. We understand the Examiner to be rejecting Appellants’ expansion on the Merriam-Webster’s Dictionary definition. In particular, the Examiner rejects Appellants’ argument that the word “joint” “requires a

direct . . . surface to surface . . . contact between two components” and that the definition of the claim term inherently requires coating “less than the entire inner surface of the first gasket layer to allow for the ‘attachment joint’ between the first gasket layer and the stopper layer.” Appeal Br. 6. (emphasis added). Appellants’ attempt to read additional requirements into the claims, through this definition, “is not supported in the specification or claims.” Answer 2. Nor do Appellants offer any evidence that their expanded definition is the plain and ordinary meaning of the term “joint.”

Thus, Appellants’ argument does not inform us of error in the rejection because, as noted by the Examiner, “the claims do not require a direct metal-to-metal contact.” *Id.* at 3.

Appellants also argue that “a connection between the Ueta stopper and first gasket layers through the coating . . . would still fall short since the Flemming reference teaches welding these two pieces together and welding two metal components together generally requires a direct metal-to-metal connection between the components to be welded.” Appeal Br. 8–9.

The Examiner replies by finding that “it is well known in the art to weld coated materials together without having direct metal-to-metal contact.” Answer 3. Appellants agree in the case of “both parts being coated,” but disagree where only one part is coated. Reply Br. 2–3.

Appellants argue that welding two pieces together through a single polymeric coating, which may not be possible, “would almost certainly result in uncontrollably burning the polymeric coating” and “could potentially be very dangerous.” *Id.* at 3.

Neither the rejection, nor claim 1 specifies whether the coating is applied to a single part or two parts. The claim only requires the coating to

be “between said first gasket layer and said stopper layer” and “in direct continuous contact” with the stopper layer. Thus, Appellants’ admission “that welding coated parts (i.e., both parts being coated) is known” counters their own arguments that the Examiner’s rejection is in error. *Id.* at 2.

For these reasons, we are not informed of error in the Examiner’s rejection of claim 1. As claims 2–12 depend from claim 1 and are not separately argued, we sustain the rejection of claims 2–12 for these same reasons. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

The Examiner’s rejection of claims 1–12 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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED