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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RAYMOND J. SLESINSKI

Appeal 2015-006610
Application 13/459,718
Technology Center 2400

Before JOHN F. HORVATH, JOSEPH P. LENTIVECH, and
MICHAEL M. BARRY, *Administrative Patent Judges*.

LENTIVECH, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1–6, 8–11, 13–17, 19–23, and 25–27. Claims 12, 18, and 24 are objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Final Act. 8. Claim 7 has been cancelled. App. Br. 1. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We reverse.

¹ According to Appellant, the real party in interest is The Boeing Company. App. Br. 1.

STATEMENT OF THE CASE

Appellant's Invention

Appellant's invention generally relates to the installation of fasteners using computer-generated fastener installation instructions based on automated fastener recognition. Spec. 1:14–15. The fasteners may be hardware devices, such as externally-threaded bolts or screws, rivets, pins, etc., that mechanically join or affix two or more components or structures together. Spec. 5:27–29. Claim 1, which is illustrative, reads as follows:

1. A method comprising:

projecting an identifier of an instruction set, the identifier being projected onto a structure about a location at which a fastener or fastener collar is to be installed;

capturing an image of the projected identifier from the structure;

determining the identifier from the captured image;

retrieving the instruction set based on the determined identifier; and

programming a tool for installing the respective fastener or fastener collar according to the retrieved instruction set.

Rejections

Claims 1–3, 8, 13, 14, and 19–21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Haisty et al. (US 2011/0169924 A1; published July 14, 2011) (“Haisty”) and Kumar et al. (US 2011/0262018 A1; published Oct. 27, 2011) (“Kumar”). Final Act. 4–5.

Claims 4, 9, 15, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Haisty, Kumar, and Gamboa et

al. (US 2011/0113613 A1; published May 19, 2011) (“Gamboa”). Final Act. 5–6.

Claims 5, 6, 10, 11, 16, 17, 23, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Haisty, Kumar, and Nielsen et al. (US 2011/0191058 A1; published Aug. 4, 2011) (“Nielsen”). Final Act. 6–7.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Haisty, Kumar, and Sarh (US 2011/0239448 A1; published Oct. 6, 2011). Final Act. 7–8.

ANALYSIS

Appellant contends the Examiner erred in rejecting claim 1 because the combination of Haisty and Kumar does not disclose or suggest “programming a tool for installing the respective fastener or fastener collar according to the retrieved instruction set,” as recited in claim 1. App. Br. 6–7; Reply Br. 4–5. In particular, Appellant contends Haisty, upon which the Examiner relies for teaching the disputed limitation, does not teach that its “Operator Tool” is a tool programmed for installation of a fastener or fastener collar, as required by claim 1. App. Br. 7.

We have reviewed Appellant’s arguments in the Briefs, the Examiner’s rejection, and the Examiner’s response to Appellant’s arguments. Appellant’s arguments have persuaded us of error in the Examiner’s rejection of independent claim 1. In response to Appellant’s arguments, the Examiner finds:

Haisty facilitates an assembly or other manufacture process, by providing ordered step-by-step assembly or manufacturing guidance work instructions, and the set of assembly instructions

may direct that the following steps be performed: (iv) insert a series of different sized and types of fasteners into the pre-drilled holes, and the instructions in the systems includes assembly software tools (Authoring Tool, Configurator Tool and Operator Tool), that means these software/program tool[s are] used to provide the instructions in an assembly or other manufacture process to install fastener.

Ans. 9–10 (citing Haisty ¶¶ 285, 769).

We have reviewed Haisty and concur with Appellant. Haisty is directed to “projection of three-dimensional text, images and/or symbols in a substantially or fully undistorted manner onto one or a plurality of surfaces of a variety of different three-dimensional objects.” Haisty ¶ 283; *see also id* at ¶ 9. Haisty teaches a system that “provid[es] ordered step-by-step assembly or manufacturing guidance work instructions that teach or guide one or a plurality of person[s] or entities that are to assemble or manufacture any three-dimensional object or system, or component part, surface or skin thereof. . . .” Haisty ¶ 285.

Haisty teaches the “Authoring Assembly Software Tool” allows a user to put all of the required or desired components for a particular project into a computer. Haisty ¶ 287. Haisty teaches the “Configurator Assembly Software Tool” allows a user to decide where within a particular assembly, manufacturing or other work area or environment the optical projectors being employed can be located, the number of optical projectors that are required for a particular assembly, manufacture, process or situation to have a good coverage of an object, part or skin, or a portion thereof, that is being projected upon, the number of workers that may be required or desired for executing one or more concurrent processes, and/or other such information. *Id.* Haisty teaches an “Operator Assembly Software Tool” guides a user

through a process, such as an assembly of a three-dimensional object, or part or skin, step-by-step in an ordered manner using the file created by the Configurator Assembly Software Tool along with a wide variety of optional programming aids, such as annotation, pictures, video, symbols, drawings and/or audio, to aid the workers throughout the assembly, manufacturing or other process. *Id.*

Appellant persuades us that Haisty fails to teach or suggest programming a tool for installing a fastener or fastener collar,” as required by claim 1. Instead, Haisty teaches “[w]hen the Operator Tool is run using the published file, the Operator Tool will generally present each step to the user *for the user to execute*, and when the user is finished, the user would select the “next” button[.]” Haisty ¶ 766 (emphasis added). As such, we are persuaded that the Examiner erred in finding Haisty teaches or suggests the disputed limitation.

Accordingly, we do not sustain the rejection of claim 1, or of the other independent claims, 13, 19, and 27, which each recite a corresponding limitation, or of dependent claims 2, 3, 8, 14, 20, and 21.

Claims 4–6, 9–11, 15–17, 22, 23, 25, and 26 are rejected under 35 U.S.C. § 103(a) based upon Haisty, Kumar, and various additional references. The Examiner does not find these additional references cure the deficiencies identified in the teachings of Haisty identified *supra*.

Accordingly, we do not sustain the rejections of claims 4–6, 9–11, 15–17, 22, 23, 25, and 26 for the reasons discussed above with respect to claim 1.

We do not reach Appellant’s further allegations of error because we find the issue discussed above to be dispositive for all rejected claims.

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Application 13/459,718

DECISION

We reverse the Examiner's rejections of claims 1–6, 8–11, 13–17, 19–23, and 25–27.

REVERSED