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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* BENJAMIN WARREN PENNER and  
KERRY SCOTT ZELLNER JR.

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Appeal 2017-002660  
Application 13/432,514  
Technology Center 1700

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Before ROMULO H. DELMENDO, LINDA M. GAUDETTE, and  
MICHAEL P. COLAIANNI, *Administrative Patent Judges*.

COLAIANNI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from the non-final rejection of claims 1–4, 6, 7, 11, 12, 14, and 21. Claims 15–20 have been withdrawn as directed to a non-elected invention (App. Br. 2). Claim 21 is not twice rejected, but the Appellants have been denied a patent at least twice. 35 U.S.C. § 134(a). *See also Ex parte Lemoine*, 46 USPQ2d 1420, 1423 (BPAI 1994) (“Under our interpretation [of 35 U.S.C. § 134], so long as the applicant has twice been denied a patent, an appeal may be filed.”). Therefore, we have jurisdiction over the appeal of claims 1–4, 6, 7, 11, 12, 14, and 21 pursuant to 35 U.S.C. § 6(b). Oral arguments were heard in this appeal on January 17, 2019.

We AFFIRM.

Appellants’ invention is directed to an injection molded polymer substrate with a groove that has a dentil profile edge or wall and further includes a soft wrap cover (claim 1; Spec. ¶ 1).

Claim 1 is illustrative:

1. A molded component comprising:

a single injection molded polymer substrate for a motor vehicle, said single injection molded polymer substrate having a front panel with a thickness  $t_1$ , a side panel with a thickness  $t_2$  and extending from said front panel at an angle, a bottom panel extending from said front panel and said side panel, wherein said front panel, side panel and bottom panel are molded together as said single injection molded polymer substrate, a first corner between and adjoining said front panel and said side panel, a second corner between and adjoining said bottom panel and said side panel, and a third corner between and adjoining said first corner and said second corner, said first corner having an effective thickness greater than thickness  $t_1$  and thickness  $t_2$ ;

a groove extending along said first corner between said front panel and said side panel, said groove also extending along said second corner and said third corner, said groove extending along said first corner having a front panel edge and a side panel edge with at least one of said front panel edge and said side panel edge having alternating and repeating blocks of spaces, said alternating and repeating blocks of spaces reducing said effective thickness of said first corner and providing controlled cooling of said first corner during injection molding of said single injection molded polymer substrate.

Appellants appeal the following rejections:

1. Claims 1–4 and 6 are rejected under 35 U.S.C. § 103(a) as unpatentable over Fujii (US 6,004,498; Dec. 21, 1999) in view of *Plastics (Mouldability of Part Design*, <https://www.pitfallsinmolding.com/mouldability.htm> (last visited January 14, 2016) (“Plastics”)).
2. Claims 7, 11, 12, 14, and 21 are rejected under 35 U.S.C. § 103(a) as unpatentable over Fujii in view of *Plastics and Penner* (US 2009/0174216 A1; July 9, 2009).

Appellants’ arguments focus on the subject matter common to independent claims 1 and 7 only (App. Br. 4–8). For convenience, we refer to claim 1 in our analysis. However, we have considered Appellants’ arguments as they pertain to the rejection of claim 7. The remaining claims have not been argued separately, and stand or fall with claim 1 or claim 7.

#### FINDINGS OF FACT & ANALYSIS

Appellants argue that *Plastics* fails to teach or suggest a groove with a dentil profile (App. Br. 7). Appellants contend that Fujii and *Plastics* either

alone or in combination fail to teach or suggest a groove with alternating spaces extending along a front panel edge or a side panel edge of the groove, the groove extending along a corner between a front panel and a side panel (App. Br. 7). Appellants argue that *Plastics* teaches using a groove of sufficient width and depth on a back side of a rib to hide a sink mark in the plastic (App. Br. 8). Appellants contend that even if the Examiner's claim construction that requires that the front panel edge or side panel edge of the groove have a dentil profile is taken as correct, neither *Fujii* nor *Plastics*, alone or in combination, would have rendered obvious the claimed subject matter (Reply Br. 2–3).

The Examiner's findings and conclusions, with respect to claim 1, are located on pages 3 to 5 of the Non-Final Action. We have reviewed the claims and the written description, and determine the Examiner applies the broadest reasonable construction of the argued claim language as requiring “the front and side panel edges . . . comprise a dentil profile (i.e., alternating and repeating blocks of spaces) with the groove being between[,] as opposed to a groove with a dentil profile [as argued by Appellants]” (Ans. 12). Contrary to Appellants' arguments, the Examiner makes specific findings concerning how the combined teachings of *Fujii* and *Plastics* would have suggested at least one of the front panel edge and the side panel edge having alternating and repeating blocks of spaces (i.e., a dentil profile) (Ans. 11–12). The Examiner finds that *Plastics* discloses general design considerations include wall thickness of the entire plastic part and along the corners (Ans. 12). The Examiner finds that *Plastics* discloses using ribs for strength and grooves to hide sink marks including at corners (Ans. 12). Based upon these teachings, the Examiner concludes that it would have been

obvious for ribs to extend along the corners of the product to improve stiffness and increase rigidity, while also enhancing mouldability as ribs are placed along the direction of maximum stress and deflection on non-appearance surfaces (Ans. 12). The Examiner determines that it would have been obvious to position the ribs at the panel edges because the edges meet at corners and there are a limited number of rib placements (Ans. 12). The Examiner finds that with the ribs placed at the edges, the ribbed panel edges would meet the claim limitations (Ans. 12).

Appellants do not provide any specific argument against the Examiner's reasoned analysis. Appellants' mere argument that the references do not teach a groove having a dentil edge does not show reversible error in the Examiner's rejection based upon the reasoned analysis noted above. On this record, the preponderance of the evidence favors the Examiner's obviousness conclusion. We affirm the Examiner's § 103(a) rejections.

#### DECISION

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)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED