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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DANIEL F. NIESCHULZ, GEORGE R. BASLER,
JOSEPH P. MEYECIC JR., and MICHAEL A. MERSINO

Appeal 2017-002836
Application 11/614,568¹
Technology Center 3700

Before LINDA E. HORNER, JEFFREY A. STEPHENS, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's decision rejecting claims 1 and 3–20. Final Office Action (August 27, 2008) (hereinafter “Final Act.”). We have jurisdiction under 35 U.S.C. § 6(b).

¹ Appellants identify Chrysler Group LLC as the real party in interest. Appeal Brief 1 (January 31, 2012) (hereinafter “Appeal Br.”).

The claims relate to a stamping system and method for forming panels of an automobile from blank material, and for forming parts from portions of the blank material that are not used to form the panel, so as to minimize waste of the blank material. The system and method use chutes to transfer the parts, via through holes in the press, to a storage receptacle. The Examiner found a prior art patent directed to a press having similar through holes and chutes for directing identically configured parts to subsequent workstations. The Examiner proposed to modify this prior art system to make differently configured parts, as taught by a second prior art patent, to reduce waste of the raw sheet material. Appellants challenge the Examiner's proposed modification and reason to combine the prior art teachings. For the reasons explained in the decision, we find that the Examiner failed to set forth adequate reasoning to support a determination of obviousness. As such, we REVERSE the rejections under 35 U.S.C. § 103.

CLAIMED SUBJECT MATTER

Claims 1, 9, and 19 are independent. Claim 1 is illustrative of the subject matter on appeal and is reproduced below.

1. A stamping system comprising:
 - a press assembly including at least one support member;
 - a first forming and cutting tool supported by said support member for stamping a panel for an automobile from a blank;
 - and
 - a second forming and cutting tool for forming a part from a portion of said blank that does not form said panel,wherein said support member includes at least one through hole and said part from said blank passes through said through-hole into a chute system in communication with said through hole.

Appeal Br. 13 (Claims Appendix).

REJECTIONS

The Final Office Action includes the following rejections:

1. Claims 1, 3, 5–7, 9–11, and 15–20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sova (US 5,829,300, issued November 3, 1998) and Dighe et al. (US 5,815,398, issued September 29, 1998).
2. Claims 4, 8, and 12–14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sova, Dighe, and Meyer et al. (EP 0 319 821 A2, published June 14, 1989).

ISSUE

Claim 1 recites “a first forming and cutting tool supported by said support member for stamping a panel for an automobile from a blank” and “a second forming and cutting tool for forming a part from a portion of said blank that does not form said panel.” Appeal Br. 13 (Claims Appendix).

Independent claim 9 includes similar limitations for first and second tools for cutting a panel and a plurality of parts, respectively. *Id.* at 14.

Independent method claim 19 similarly recites forming a panel and a part from a blank using a stamping assembly. *Id.* at 15.

In the rejection of the independent claims, the Examiner found that Sova’s punching tool 46_A cuts a workpiece WP_A from a sheet 24. Final Act. 2. The Examiner found that Sova fails to disclose “tools for forming different shapes” and turned to Dighe “to provide parts of differing shapes for the purpose of reducing waste and boosting production speed.” Final Act. 2. The Examiner determined that it would have been obvious to one

having ordinary skill in the art “to manufacture different shaped parts in the stamping system of Sova as taught by Dighe in order to maximize available raw sheet material.” *Id.* at 2–3.

Appellants contest the Examiner’s proposed combination of Sova with Dighe. Appeal Br. 8–9. In particular, Appellants argue that the Examiner did not provide a sufficient explanation as to why one having ordinary skill in the art would have modified Sova to make parts of different shapes in light of the teaching of Dighe. *Id.* According to Appellants, Sova teaches “use of a matrix of like workpieces WP_A in a progressive die to maximize press throughput” and Dighe teaches a pattern nesting process to “maximize yield when cutting multiple layers of a stock material.” *Id.* at 9.

The issue before us in this appeal is whether the Examiner provided an adequate explanation as to why one having ordinary skill in the art would have been led to modify the system of Sova as proposed, based on the teaching of Dighe, to arrive at the claimed subject matter.

ANALYSIS

The object of Sova’s invention is to provide a parts transfer system for transferring multiple workpieces through progressive workstations of a press to increase the number of workpieces that can be operated upon in a single press stroke, and thereby increase throughput. *Id.* at col. 1, ll. 18–25. Sova discloses, at a first elevated workstation, cutting parts from a sheet and transferring the parts via a chute to a subsequent workstation, so that the parts are arranged in a matrix. Sova, col. 4, ll. 13–33, col. 5, ll. 1–6. Sova discloses that the punches, cavities, and resulting workpieces in each workstation are “all identically configured.” *Id.* at col. 4, ll. 35–40. Sova

also discloses that the majority of the sheet material is used in forming the workpieces. *Id.* at col. 5, ll. 13–14, Fig. 9. Thus, because Sova teaches forming identical workpieces from the sheet using the pattern shown in Figure 9, there is almost no waste of sheet material in Sova. *See* Appeal Br. 8 (Appellants noting that Sova’s sheet of stock material is almost entirely consumed when forming the workpieces).

Dighe discloses an automated method to design a layout when cutting differently shaped parts in a bounded region. Dighe, col. 1, ll. 5–7, 10–13, 22–25. Dighe discloses selecting particular locations in the bounded region for each part, based on each part’s shape, to minimize waste. *Id.* at col. 7, ll. 1–11. Contrary to the Examiner’s assertion, Dighe does not teach that providing parts of differing shapes reduces waste. Final Act. 2. Rather, Dighe teaches a technique, when one is confronted with the problem of cutting parts of differing shapes from a bounded region, to reduce waste. Such a problem does not exist in Sova.

As noted above, Sova discloses using parts of identical shape and shows a layout of these parts that, almost entirely, eliminates waste. The Examiner’s proposed modification to Sova to manufacture differently shaped parts appears to be inconsistent with the goal of Sova, which is to increase throughput by using the press to form identical parts. Further, the Examiner’s stated reason for this proposed modification, “in order to maximize available raw sheet material,” is not supported by the teaching in Dighe. Further, we fail to see how such a modification would result in an improvement to Sova, as Sova already discloses a layout that appears to maximize available raw sheet material.

For these reasons, the Examiner has not provided an adequate explanation as to why one having ordinary skill in the art would have been led to combine the teachings of Sova and Dighe to arrive at the claimed subject matter. As such, we do not sustain the rejection of independent claims 1, 9, and 19, and their dependent claims 3, 5–7, 10, 11, 15–18, and 20, as unpatentable over Sova and Dighe.

The Examiner relies on the same proposed modification of Sova with the teachings of Dighe, and further modification with the deflector means of Meyer, in the rejection of dependent claims 4, 8, and 12–14. Final Act. 3. For the same reasons discussed above, we likewise do sustain this second ground of rejection.

DECISION

The decision of the Examiner rejecting claims 1 and 3–20 is reversed.

REVERSED