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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* SONER ILGIN, SERDAL KORKUT AVCI, ALPER BATUR,  
and UMIT GULBAY

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Appeal 2017-006566  
Application 14/391,004<sup>1</sup>  
Technology Center 3600

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Before MICHAEL C. ASTORINO, BRUCE T. WIEDER, and  
MATTHEW S. MEYERS, *Administrative Patent Judges*.

ASTORINO, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), the Appellants appeal from the Examiner’s decision rejecting claims 1–13. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> According to the Appellants, “[t]he real party in interest in this patent application is Arcelik Anonim Sirketi.” Appeal Br. 3.

STATEMENT OF THE CASE

*Claimed Subject Matter*

Claim 1, the sole independent claim, is representative of the subject matter on appeal and is reproduced below.

1. A household appliance (1) **comprising** a body, a logo (3) comprising at least one logo segment (2), and a background (4) which is a visible surface of the body whereon the logo (3) is situated, **characterized in that** one or more than one platform (5) in the same form as the logo segments (2), that is situated on the background (4) and whereon the logo segments (2) are at least partially coated, and one or more than one groove (6) that is situated between the background ( 4) and the platform (5).

Appeal Br., Claims App.

*Rejections*

Claims 1–5 and 8–11 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Oriel (US 2010/0275481 A1, pub. Nov. 4, 2010) and Riopel et al. (US 7,412,790 B2, iss. Aug. 19, 2008) (“Riopel”).

Claim 6 stands rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Oriel, Riopel, and Meiry et al. (US 2008/0163759 A1, pub. July 10, 2008) (“Meiry”).

Claim 7 stands rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Oriel, Riopel, and Erickson et al. (US 6,477,799 B1, iss. Nov. 12, 2002) (“Erickson”).

Claims 12 and 13 stands rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Oriel, Riopel, and Shelton (US 5,536,558, iss. July 16, 1996).

## ANALYSIS

The Appellants argue that the Examiner’s combination of teachings of Oriel and Riopel fail to teach the claimed “background . . . which is a visible surface of the body” of the house appliance. Appeal Br. 7. We agree.

The Examiner’s rejection relies on Oriel to teach a house appliance including a body, but does not rely on Oriel to teach the claimed background, and on Riopel’s bottom edge 30d to correspond to the claimed background. *See* Final Act. 2–3 (citing Riopel, Fig. 3). However, the Examiner does not find — or explain how — Riopel’s bottom edge 30d is a visible surface of the body of a house appliance.

The Appellants argue, and we agree, that the Examiner’s rejection includes a modification of Oriel’s household appliance by affixing a sign “in its entirety on Oriel’s machine, in which case the combination fails to teach the background being a visible surface of the body of the household appliance,” as required by claim 1. Appeal Br. 7. To the extent the Examiner may have intended to rely on the body of Oriel’s household appliance to teach a “background,” as required by claim 1, it is not apparent from the Examiner’s findings and reasoning. We also agree with the Appellants that “the Examiner failed to address th[is] argument in the Examiner’s Answer.” Reply Br. 3.

Thus, we do not sustain the Examiner’s rejection of independent claim 1, and dependent claims 2–5 and 8–11, as unpatentable over Oriel and Riopel.

The remaining rejections based on Oriel and Riopel in combination with Meiry, Erickson, or Shelton rely on the same combination of teachings discussed above, which fails to teach the claimed subject matter.

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Additionally, the remaining rejections do not include additional findings and/or reasoning of to cure the deficiency of the rejection of independent claim 1. As such, we do not sustain the rejections under 35 U.S.C. § 103(a) of: claim 6 as unpatentable over Oriel, Riopel, and Meiry; claim 7 as unpatentable over Oriel, Riopel, and Erickson; and claims 12 and 13 as unpatentable over Oriel, Riopel, and Shelton.

DECISION

We REVERSE the Examiner's decision rejecting claims 1–13.

REVERSED