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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/642,570	10/22/2012	Kwang Bum Park	PIN0045US	1134
23413	7590	10/10/2019	EXAMINER	
CANTOR COLBURN LLP 20 Church Street 22nd Floor Hartford, CT 06103			NELSON, MATTHEW M	
			ART UNIT	PAPER NUMBER
			3772	
			NOTIFICATION DATE	DELIVERY MODE
			10/10/2019	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KWANG BUM PARK, KYOUNG HO RYOO,
KYU SEOK SHON, and JUNE IG SON

Appeal 2018-001564
Application 13/642,570
Technology Center 3700

Before: CHARLES N. GREENHUT, JAMES P. CALVE, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134 from a final rejection of claims 1, 4–7, and 9. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Megagen Implant Co., LTD. Appeal Br. 3.

CLAIMED SUBJECT MATTER

The claims are directed to a dental implant system. Claim 1, reproduced below, is the sole independent claim:

1. An implant system comprising a combination of a first fixture and a second fixture:

wherein the first fixture comprising a first body and a first continuous thread part, the first continuous thread part having a spiral shape and formed on an outer circumferential surface of the first body, the first continuous thread part including a first continuous thread; and

the second fixture comprising a second body and a second continuous thread part, the second body having the same shape and size as those of the first body, the second continuous thread part having a spiral shape and formed on an outer circumferential surface of the second body, the second continuous thread part including a second continuous thread,

wherein a diameter of the second continuous thread is different from a diameter of the first continuous thread, wherein an end portion region of the second continuous thread is extended outwardly in a radial direction farther than a first leading end portion of the first continuous thread, and wherein a pitch of the first continuous thread of the first continuous thread part and a pitch of the second continuous thread of the second continuous thread part are identical to each other.

REFERENCES

The prior art relied upon by the Examiner is:

Mochida	US 5,642,996	July 1, 1997
Lang	US 2005/0250074 A1	Nov. 10, 2005

REJECTIONS

Claims 1, 4–6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mochida. Claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mochida and Lang.

OPINION

Appellant argues the rejection of claims 1 and 4–6 together. We select independent claim 1 as representative. *See* 37 C.F.R. § 41.37(c)(1)(iv) (permitting the Board to select a single claim to decide the appeal as to a single ground of rejection of a group of claims argued together).

The Examiner finds that Mochida teaches a “‘plurality of cylinder-type implants’ with screw threads that are ‘different in certain parameters.’” Final Act. 2 (quoting Mochida 8:23, 8:28). The Examiner further finds that the plurality is listed in Table 1, including implants 1 and 4 which disclose the first and second fixtures of claim 1. *Id.* at 2–3. The Examiner also finds that “Machida explicitly recites that its first embodiment has a ‘plurality of cylinder-type implants’ from Table 1 and therefore the embodiment is a combination of the implant fixtures.” *Id.* at 4–5; *see also* Ans. 5 (finding that all the implants in Table 1 are part of the same embodiment of Mochida).

Appellant argues that “Table 1 in Mochida simply lists several fixture items, but not a combination thereof.” Appeal Br. 11. Appellant also “argue[s] that the plurality of cylinder-type implants listed in Table 1 of Mochida are simply an **aggregation** of implants, **not a combination** of specific implants.” *Id.* We disagree.

Mochida teaches that a plurality of implants were created and then tested against each other. Mochida 8:22–60. The specifics of the implants in the plurality are provided in Table 1. *Id.* at 8:22–37. Table 1 identifies thirty different implants that make up the plurality or combination of implants. *Id.* at 9:25–54. Claim 1 requires two specific implants or fixtures, but is not limited to only two. *See* Ans. 5 (contrasting “comprising” with “consisting”).

For this reason, Appellant's argument does not identify error in the Examiner's rejection.

Appellant also argues that it would not be obviousness to combine two particular implants from Table 1 in a smaller grouping. Appeal Br. 12. However, the rejection is one of anticipation, not obviousness. Arguments presented in an appeal must address the grounds of rejection set forth by the Examiner. 37 C.F.R. § 41.37(c)(1)(iv). For this reason, Appellant's argument does not identify error in the Examiner's rejection.

For the reasons discussed, we sustain the Examiner's rejection of claims 1 and 4-6. Appellant argues that claims 7 and 9 are allowable for the same reasons as claim 1. Thus, we also sustain the rejection of claims 7 and 9.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1, 4-6	102(b)	Mochida	1, 4-6	
7, 9	103(a)	Mochida, Lang	7, 9	
Overall Outcome			1, 4-7, 9	

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