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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 14/273,836 filed 05/09/2014 by Peter Wiedmann, attorney 12890Q, confirmation 4391. Also includes examiner FRY, PATRICK B, art unit 3731, notification date 09/30/2019, and delivery mode ELECTRONIC.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PETER WIEDMANN, TODD DOUGLAS LENSER,
RICKY REYNALDO YANEZ JR., YOICHIRO YAMAMOTO, and
ANDREAS JOSEF DREHER

Appeal 2018-004490
Application 14/273,836
Technology Center 3700

Before EDWARD A. BROWN, BRANDON J. WARNER, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

WARNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Procter & Gamble Company (“Appellant”)¹ appeals under 35 U.S.C. § 134(a) from the Examiner’s decision rejecting claims 1–20, which are all the pending claims. *See* Appeal Br. 1; Final Act. 1 (Office Action Summary). We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

¹ The Procter & Gamble Company is the applicant, as provided in 37 C.F.R. § 1.46, and is identified as the real party in interest. Appeal Br. 1.

CLAIMED SUBJECT MATTER

Appellant's disclosed invention "relates to systems and methods for folding disposable absorbent articles in a nip between first and second carriers," specifically including "tucker blades configured to maximize a period of time wherein the leading edges move at speeds through the nip that are relatively close to the speeds of the first and second carriers." Spec., p. 1, ll. 8–11. Claims 1, 12, and 19 are independent. Claim 1, reproduced below, is illustrative of the subject matter on appeal.

1. A method for folding absorbent articles, the method comprising the steps of:

conveying an absorbent article at a first speed (S1) in a first direction on a first carrier to define an article transport plane, wherein the absorbent article includes a first surface and a second surface opposite the first surface, wherein the absorbent article includes a first end and a second end, and wherein the absorbent article includes a first end region and a second end region, and a central region located between the first and second end regions;

advancing the first end region past a nip defined between the first carrier and a second carrier;

rotating a tucker blade, wherein the tucker blade includes a first surface and a second surface opposite the first surface, and wherein the tucker blade includes a leading edge and a trailing edge, wherein the leading edge and the trailing edge move through the article transport plane at the nip as the tucker blade rotates;

contacting the first surface of the absorbent article with the leading edge of the tucker blade thereby creating a fold line across the central region of the absorbent article;

redirecting the central region of the absorbent article in a second direction into the nip with the leading edge of the tucker blade;

maintaining contact between the fold line and the leading edge of the tucker blade for a total time period (T_{tot}) while portions of the leading edge contacting the fold line move at speeds (S_{max}) of at least 0.8 times the first speed ($0.8*S_1$) for a time period (T_{max}) of at least 0.5 times the total time period ($0.5*T_{tot}$); and

conveying the folded absorbent article in the second direction between the first carrier and the second carrier away from the article transport plane.

EVIDENCE

The Examiner relied on the following evidence in rejecting the claims on appeal:

Wiedmann	US 7,617,656 B2	Nov. 17, 2009
LaVon	US 2011/0247199 A1	Oct. 13, 2011
Ishikawa	JP 2012-75627 A	Apr. 19, 2012

REJECTIONS

The following rejections are before us for review:

- I. Claims 1, 2, 4–7, 10, and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wiedmann and Ishikawa. Final Act. 2–8.
- II. Claims 3, 8, 9, and 12–20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wiedmann, Ishikawa, and LaVon. *Id.* at 8–15.

ANALYSIS

Appellant argues that Rejections I and II, both of which depend on a combination of teachings from Wiedmann and Ishikawa, are deficient based on an assertion that Ishikawa's teaching of distribution members moving with a constant speed that is equal to the conveyor belt speed is insufficient to render obvious the disputed claim limitations. *See* Appeal Br. 4–5 (focusing on independent claim 1); *see also id.* at 6, 7 (relying on the same substantive argument for independent claims 12 and 19). In particular, the disputed claim limitations at issue are recitations that require “maintaining contact between the fold line and the leading edge of the tucker blade for a total time period (T_{tot}) while portions of the leading edge contacting the fold line move at speeds (S_{max}) of at least 0.8 times the first speed ($0.8*S_1$) for a time period (T_{max}) of at least 0.5 times the total time period ($0.5*T_{tot}$).” *See id.*, Claims App. Appellant asserts that Ishikawa's teaching of constant speeds does not sufficiently suggest “moving portions of leading edges of blades that are in contact with a fold line at speeds and a period of time as claimed.” *Id.* at 5.

After careful consideration of the record before us, Appellant's arguments do not apprise us of error in the Examiner's factual findings from Wiedmann or Ishikawa, which are supported by a preponderance of the evidence, or the Examiner's reasonable conclusion of obviousness, which is rationally articulated based on prior art teachings. In short, we sustain the Examiner's rejections based on the reasoned positions set forth therein and in light of the Examiner's thorough responses to Appellant's arguments. *See* Final Act. 2–15; Ans. 2–9.

In particular, Appellant's assertion does not apprise us of error in the Examiner's explanation that "Ishikawa discloses moving the distribution members . . . at a constant speed that is equal to the conveyor belt . . . speed," such that "[t]he portion of the distribution members . . . that contacts the absorbent articles . . . is interpreted to [likewise] have a constant speed that is equal to the conveyor belt . . . speed," and thus "[t]he speed of the distribution members . . . *while contacting the absorbent article . . . is the same as* when the distribution members [are] not contacting the absorbent articles . . . since the distribution members . . . are disclosed having a constant speed." Ans. 3 (citing Ishikawa, p. 6, para. 19 of translation) (emphasis added). In other words, in the Examiner's modification of Wiedmann with the matching constant speeds from Ishikawa, as applied in the rejections, "the leading edge of the tucker blade is interpreted to have a *constant speed* that is equal to the speed of the first carrier, and therefore a speed equal to the speed of the conveyed absorbent article," such that "[s]ince the speed is constant, the leading edge of the tucker blade is interpreted to maintain said speed the *entire time* the leading edge is in contact with the fold line of the absorbent article." Final Act. 7 (emphasis added).

Further, the Examiner is correct to explain in detail how the teaching of such *equal and constant speeds* from Ishikawa is sufficient to meet the scope of the disputed claim limitations. Specifically, with respect to the speed limitation that recites "portions of the leading edge contacting the fold line moves *at a speed that is at least 0.8 times the first speed*," this recitation requires only that "the portions of the leading edge contacting the fold line have a speed that is 0.8 times the first speed or greater," such that Ishikawa's

“teaching of having the leading edge moving at a speed *equal to* the first speed *meets the limitation* of at least 0.8 times the first speed.” Ans. 3 (italics added). Similarly, with respect to the time limitation that recites “the leading edge maintains the claimed speed *for at least* 0.5 times the total time the leading edge is contacting the fold line,” this recitation requires only that “the leading edge maintains the claimed speed for 0.5 times the total time or for a greater amount of time,” such that Ishikawa’s “teaching of having the leading edge maintain the claimed speed *for the entire time* the leading edge is contacting the fold line *meets the limitation* of at least 0.5 times the total time.” *Id.* at 3–4 (italics added). Appellant does not submit a Reply Brief to contest the Examiner’s explanation for the expansive scope of the disputed claim terms.²

After careful consideration of the evidence of record, Appellant’s arguments do not apprise us of error in the Examiner’s findings or reasoning in support of the conclusions of obviousness. Accordingly, we sustain the rejections.

² We note that, although Appellant’s Figure 9 depicts an acceleration for the leading edge contact speed (from an initial speed of the tucker blade at first contact up to a maximum speed that is then maintained), the claim recitations at issue include only an overall lower bound without any requirement for a lower initial value or an acceleration up to a higher value, such that a constant speed throughout (as the Examiner applies in the combination of teachings from Wiedmann and Ishikawa) falls within the scope of the claims. *See* Fig. 9; *see also* Spec., p. 15, l. 30 – p. 16, l. 14 (describing same).

DECISION

We AFFIRM the Examiner's decision rejecting claims 1, 2, 4–7, 10, and 11 under 35 U.S.C. § 103 as being unpatentable over Wiedmann and Ishikawa.

We AFFIRM the Examiner's decision rejecting claims 3, 8, 9, and 12–20 under 35 U.S.C. § 103 as being unpatentable over Wiedmann, Ishikawa, and LaVon.

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