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THE GOODYEAR TIRE & RUBBER COMPANY 200 Innovation Way AKRON, OH 44316-0001			SCHWARTZ, PHILIP N	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MICHAEL STEFAN SKURICH, DALE EDWARD UMSTOT,
KENNETH WILLIAM SMESKO, JUNG WAN CHO,
DARIN ANDREW MURPHY, DANIEL GLENN OBERLIN,
and RICHARD MARK WIELAND

Appeal 2018-008089
Application 14/532,303
Technology Center 1700

Before MICHAEL P. COLAIANNI, GEORGE C. BEST, and
DEBRA L. DENNETT, *Administrative Patent Judges*.

COLAIANNI, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claim 1. Claims 2–4, 9, 10, and 12–15 are withdrawn. Final Act. 1. 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 The Goodyear Tire & Rubber Company. Appeal Br. 3.

Appellant's invention is directed to tread patterns for pneumatic passenger or light truck tires that enhance snow traction (Spec. ¶ 1; Claim 1).

Claim 1 is representative of the subject matter on appeal:

1. A pneumatic tire having a radially outer tread, the tread having a plurality of circumferential grooves, a plurality of lateral grooves, and a plurality of shoulder grooves, the tread comprising:

bottoms and sides of each circumferential groove being textured for improving snow traction;

bottoms and sides of each lateral groove being textured for improving snow traction; and

bottoms and sides of each shoulder groove being textured for improving snow traction,

the tread having a directional tread pattern wherein rows of shoulder tread elements are directionally oriented in the same direction, a leading edge of a shoulder element being inclined at an angle of 10 degrees or greater relative to a plane perpendicular to an equatorial centerplane of the pneumatic tire, the leading edge of the shoulder element being equally oriented to another leading edge of another shoulder element.

Appellant appeals the following rejection:

1. Claim 1 is rejected under 35 U.S.C. § 103 as unpatentable over Ohsawa (US 2001/0032691 A1, pub. Oct. 25, 2001).
2. Claim 1 is rejected under 35 U.S.C. § 103 as unpatentable over GB (GB 460,338, pub. Jan. 26, 1937) in view of Howald (US 2009/0194211 A1, pub. Aug. 6, 2009) and Ohsawa.

FINDINGS OF FACT & ANALYSIS

The Examiner's findings and conclusions regarding the rejection of claim 1 over Ohsawa, alone, or the combined teachings of GB, Howald, and Ohsawa are located on pages 3 to 5 of the Final Action.

Appellant states that the Examiner finds that angles of tread elements are merely optimal values based on routine experimentation (Appeal Br. 4, 7). Appellant argues that tire tread design is complex and that the tread design recited in claim 1 was achieved through extensive experimentation to produce an "excellent, unexpected, and unpredictable option for a tire overlay" (Appeal Br. 5, 7, 10). Appellant contends that modifying a tread design to achieve better snow traction may impact other tire design parameters (Appeal Br. 6). Appellant argues that the only suggestion of putting traction enhancing roughened surfaces on the bottoms and sides of the circumferential, lateral, and shoulder grooves is Appellant's Specification (Appeal Br. 7, 10). Appellant contends that the Examiner engaged in impermissible hindsight (Appeal Br. 7, 10).

Appellant's arguments are not persuasive. The Examiner finds that Ohsawa shows in Figure 14 an embodiment where "the rows of shoulder tread elements are oriented in the same direction and the leading edges of both shoulder portions are equally oriented, where a leading edge of the shoulder tread elements is inclined with respect to the axial direction" (Final Act. 3, 4-5). Ohsawa's Figure 14 shows that the shoulder tread elements 48S, 48L are positioned at an angle. The Examiner finds that Ohsawa's Figure 14 disclosure suggests angles for the shoulder tread elements within the range recited in claim 1 (i.e., 10° or greater) (Final Act. 3, 4-5). Although Appellant argues that tread design is complex, Appellant does not

address with any specificity the Examiner's finding that Ohsawa alone and in combination with GB and Howald would have suggested shoulder tread elements positioned at an angle within the claimed range.

We are unpersuaded by Appellant's impermissible hindsight argument. The Examiner finds, and Appellant does not dispute, that Ohsawa teaches placing riblets on the circumferential groove side of the land portions (Final Act. 4). The Examiner determines that it would have been obvious to use the riblets as texture on the bottoms and side of the circumferential, lateral and shoulder grooves to improve tire wet performance (Final Act. 4). Appellant does not show reversible error in the Examiner's finding and ultimate conclusion. Indeed, Ohsawa shows grooved structures on the bottom of the channels in the tread. *See, e.g.*, Figures 5, 7, 9, 25, 27.

In the second rejection of claim 1 the Examiner finds that GB teaches texturing the sides of the various grooves in a tire tread, but GB does not teach texturing the bottom of the grooves in a tire tread (Final Act. 4). The Examiner finds that Howald teaches texturing the bottoms of the grooves in a tire tread (Final Act. 4). The Examiner relies on Ohsawa as teaching orienting the tread blocks at an angle (Final Act. 4–5). Appellant's impermissible hindsight argument does not address any of the Examiner's specific findings that the applied prior art teaches texturing the sides and bottoms of the grooves in the tire tread. Appellant has not shown reversible error in the Examiner's obviousness rejections over Ohsawa alone, or GB in combination with Howald and Ohsawa.

On this record, Appellant has not shown reversible error in the Examiner's § 103 rejections.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1	§ 103	Ohsawa	1	
1	§ 102	GB, Howald, Ohsawa	1	
Overall Outcome			1	

TIME PERIOD FOR RESPONSE

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