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15/240,306	08/18/2016	Fu Shibao	83700256	4219
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Ford Global Technologies, LLC/ King & Schickli, PLLC 800 CORPORATE DRIVE, SUITE 200 Lexington, KY 40503			GUTMAN, HILARY L	
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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* FU SHIBAO, XUE ZHI JIN, and  
XU WEI

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Appeal 2019-004620  
Application 15/240,306  
Technology Center 3600

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Before MURRIEL E. CRAWFORD, NINA L. MEDLOCK, and  
PHILIP J. HOFFMANN, *Administrative Patent Judges*.

HOFFMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1–7 and 10.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> 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 Ford Global Technologies, LLC. Appeal Br. 3.

<sup>2</sup> Although claims 8 and 9 are pending (*see* Appeal Br., Claims App.), the Examiner does not reject these claims, but instead objects to claims 8 and 9, indicating that the claims recite allowable subject matter (*see* Final Action 5).

According to Appellant, the “invention relates to a vehicle interior trim assembly and a method of forming the same.” Spec. ¶ 1. Claim 1 is the sole independent claim on appeal. Below, we reproduce claim 1 as representative of the appealed claims:

1. An interior trim assembly of a vehicle extending along a width direction and a height direction, comprising:

a headliner including a substrate and a cover together defining a folded portion, wherein a first cross-section of the folded portion along the width direction includes a first cover portion and a second cover portion and a first substrate portion of the substrate positioned between the first cover portion and the second cover portion.

#### REJECTIONS AND PRIOR ART

The Examiner rejects the claims as follows:

- I. Claims 1–4 under 35 U.S.C. § 102(a)(1) or (a)(2) as anticipated by Kring et al. (US 8,641,136 B2, iss. Feb. 4, 2014) (“Kring”);
- II. Claims 5–7 and 10 under 35 U.S.C. § 103 as unpatentable over Kring and Nagel (US 3,097,015, iss. July 9, 1963); and
- III. Claims 1–7 and 10 under 35 U.S.C. § 103 as unpatentable over Nagel and Kring.

#### ANALYSIS

##### Rejection I—Anticipation rejection

As set forth above, independent claim 1 recites the following:

1. An interior trim assembly of a vehicle extending along a width direction and a height direction, comprising:

*a headliner including a substrate and a cover together defining a folded portion, wherein a first cross-section of the folded portion along the width direction includes a first cover portion and a second cover portion and a first substrate portion*

of the substrate positioned between the first cover portion and the second cover portion.

Appeal Br., Claims App. (emphasis added).

Essentially, Appellant and the Examiner disagree as to whether the independent claim requires either 1) that *the cover* includes a first cover portion and a second cover portion (i.e., whether the cover portions are portions of the same one-piece cover), or 2) first and second cover portions that may be separate parts from one another. *See, e.g.*, Appeal Br. 11 (“[Kring’s] cover 134 and . . . trim ring 144 are separate components. Simply stated, . . . trim ring 144 is not a portion of . . . cover 134 but a separate element.”); *see* Answer 6 (“[Appellant’s] argument is not persuasive because the claim recites only ‘a first cover portion’ and ‘a second cover portion’ and makes no recitation that the two portions cannot be separate. In other words, nothing in the claim mandates that the two portions be connected, one piece, or integral with one another in any way.”).

We note that claim 1 does not expressly recite, for example, that “the cover includes a first cover portion and a second cover portion.” Nonetheless, when we interpret the above italicized portion of claim 1, based on Appellant’s Specification, we determine that the first and second cover portions are portions of the same one-piece cover. Regarding claim 1 itself, the claim first recites a cover, and then recites first and second cover portions. Appeal Br., Claims App. (Claim 1). Thus, the claim at least implies that these first and second cover portions are portions of the same one-piece cover. Further, Appellant’s Specification illustrates and describes the first and second cover portions as portions of the same one-piece cover, while using essentially the same language as claim 1. *See, e.g.*, Spec. ¶ 16 (“Figure 3 illustratively depicts an enlarged partial cross-sectional view

of . . . headliner 110 and the side body trim 240. As illustrated in Figure 3, . . . headliner 110 includes . . . substrate 232 and . . . cover 234 together defining . . . folded portion 210 to interface . . . side body trim 240, where . . . first cross-section Q1Q2Q3Q4 of . . . folded portion 210 along the width direction W includes *first and second cover portions 330, 332 of . . . cover 234* and . . . first substrate portion 342 of . . . substrate 232 positioned between . . . first cover portion 330 and . . . second cover portion 332.”) (emphases added). Conversely, there is no indication in Appellant’s Specification or drawings that the cover portions are contemplated as separate parts.

Thus, based on the foregoing, claim 1 requires that a substrate is positioned between first and second cover portions of a one-piece cover. Kring discloses substrate 132 positioned between cover material 134 and trim ring 144 that is not a portion of cover material 134. *See, e.g.*, Appeal Br. 10–11; *see, e.g.*, Answer 3–4. Therefore, we do not sustain the anticipation rejection of claim 1, or of claims 2–4 that depend from claim 1, based on Kring.

*Rejections II and III—Obviousness rejections*

Both of the Examiner’s obviousness rejections rely on Kring to disclose a substrate positioned between first and second cover portions. *See, e.g.*, Answer 4–5. For the reasons discussed *supra*, the Examiner errs by relying on Kring to disclose this claim recitation. Therefore, we do not sustain any of the obviousness rejections of claims 1–7 and 10.

CONCLUSION

We REVERSE the Examiner's anticipation and obviousness rejections of claims 1-7 and 10.

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-4	102(a)(1)/(a)(2)	Kring		1-4
5-7, 10	103	Kring, Nagel		5-7, 10
1-7, 10	103	Nagel, Kring		1-7, 10
<b>Overall Outcome</b>				1-7, 10

REVERSED