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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROBERT S. DOUMANI, TIMOTHY SZWEDA, and
BRIAN TAYLOR

Appeal 2019-004636
Application 15/060,699
Technology Center 3600

Before JENNIFER D. BAHR, JAMES P. CALVE, and
LEE L. STEPINA, *Administrative Patent Judges*.

BAHR, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–7 and 15.² We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM IN PART.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies as real parties in interest Robert Bosch GmbH and Robert Bosch Tool Corp. Appeal Br. 2.

² Claims 8–14, which are the only other pending claims, have been withdrawn from consideration. *See* Final Act. 1 (Office Action Summary).

CLAIMED SUBJECT MATTER

Appellant's invention is directed to power tools with exposed shaping devices and, more particularly, to a table saw assembly with a belt electrically isolated from an arbor shaft and an adjustment mechanism for selectively positioning a pulley along its axis of rotation for alignment of the system. Spec. ¶¶ 1, 8, 9. Claim 1, reproduced below, is the only independent claim involved in this appeal and is illustrative of the claimed subject matter.³

1. A table saw assembly comprising:
 - a motor assembly;
 - an electrically conductive belt operably connected to the motor assembly;
 - an arbor shaft operably connected to the belt;
 - a drop arm assembly rotatably supporting the arbor shaft;
 - a first pulley rotatably supporting the belt, the first pulley including an inner component defining an inner bore and an outer component defining an outer surface, the first pulley configured to electrically isolate the inner bore from the outer surface; and
 - an alignment adjustment mechanism operably connected to the first pulley, the alignment adjustment mechanism selected to compensate for tolerance build up associated with the first pulley so as to selectably position the first pulley along an axis of rotation of the first pulley.

³ Claim 7 as reproduced in the Claims Appendix in the Appeal Brief contains an error. *See* Appeal Br. 18 (Claims App.). The Examiner did not enter the Amendment filed December 14, 2018, which attempted to insert the term “first” before “pulley” in claim 7. *See* Adv. Act. (Jan. 2, 2019). Thus, unless otherwise noted, we refer herein to the claims in the amendment filed May 29, 2018, which is the last claims amendment entered in the present application.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Eck	US 2005/0049096 A1	Mar. 3, 2005
Garcia	US 2005/0188806 A1	Sept. 1, 2005
Choi	US 2012/0285616 A1	Nov. 15, 2012

REJECTION

Claims 1–7 and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Garcia, Choi, and Eck.

OPINION

Claims 1 and 2:

The Examiner found that Garcia discloses a table saw assembly comprising most of the features of claim 1, but “does not teach an electrically conductive belt; the first pulley configured to electrically isolate the inner bore from the outer surface.” Final Act. 3–4. The Examiner relied on Choi for an electrically conductive belt and on Eck for a pulley configured to electrically isolate the inner bore from the outer surface. *Id.* at 4.

Appellant argues that Garcia’s spacers 220 and 222 do not satisfy the “alignment adjustment mechanism” limitation of claim 1 because Garcia does not discuss “uniquely” sizing the pulley spacers “for each particular device to account for the tolerance build-up,” which Appellant asserts is “unique to a particular device.” Appeal Br. 4–5. The Examiner responds that the “compensate for tolerance build up” limitation of claim 1 “is a property or purpose limitation and not a structural limitation.” Ans. 4.

According to the Examiner, “since the assembled structure [of Garcia] is in alignment and works properly, all adjustments, inconsistencies and tolerance build-up have been compensated for . . . by the spacers.” *Id.* (citing Garcia ¶ 58).

Appellant asserts that “claim 1 is a product by process claim” in that, “[w]hile ‘tolerance build up’ is in fact a structural property of an assembly, the *limitation* in which the phrase ‘tolerance build up’ is found is a *process* limitation.” Reply Br. 2–3. According to Appellant, “claim 1 establishes a direct relationship between the *selected* alignment adjustment mechanism and the *actual* tolerance build up.” *Id.* Appellant adds that, “since tolerance build up is unique to each individual assembly, an alignment adjustment mechanism in accordance with claim 1 is required to be specifically identified for a particular device based upon the actual and unique tolerance build up of that particular device” and that “simply because the device of Garcia is sufficiently aligned to work *properly*, does *not necessarily* mean that tolerance build up has been compensated for *by the spacers*.” *Id.* at 3–4. Appellant explains that “[f]or example, if manufacturing processes are tightly controlled so that the possible range of misalignment is beneath the threshold needed for the particular configuration of Garcia to function properly, then there is no need for tolerance build up compensation using an alignment device.” *Id.* at 4.

The Examiner has the better position on this issue. Accepting Appellant’s position that the “selected to compensate for tolerance build up” limitation of claim 1 is a product-by-process limitation, for the reasons that follow, this limitation does not patentably distinguish over the structure of Garcia. The patentability of a product does not depend on its method of

production. If the product in a product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process. *In re Thorpe*, 777 F.2d 695, 697 (Fed. Cir. 1985) (“[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself.”).

Garcia’s pulley spacers 220 and 222 laterally align pulley 121 along the axis of arbor shaft 200. Garcia ¶ 58; Fig. 11C. This lateral alignment necessarily positions pulley 121 in relation to other components of the table saw assembly with which the pulley cooperates, such as drive belt 116 and motor pulley 158, in order to form a properly functioning device. To conclude that an artisan would interpret Garcia otherwise, namely, such that spacers 220 and 222 would align pulley 121 along arbor shaft 200 such that pulley 121 *would not* cooperate with other components to form a properly functioning device, would require a presumption of a lack of skill on the part of the artisan, which is contrary to well-established principles of obviousness. *See In re Sovish*, 769 F.2d 738, 743 (Fed. Cir. 1985). What a reference teaches or suggests must be examined in the context of the knowledge, skill, and reasoning ability of a skilled artisan and is not “limited to what a reference specifically ‘talks about’ or what is specifically ‘mentioned’ or ‘written’ in the reference.” *Syntex (U.S.A.) LLC v. Apotex, Inc.*, 407 F.3d 1371, 1380 (Fed. Cir. 2005).

Appellant’s table saw assembly, likewise, comprises an alignment adjustment mechanism (shim 526) that aligns pulley 192 so as to be properly positioned in relation to other components of the device, such as belt 162 and motor end pulley 166. *See Spec.* ¶¶ 168–169. Thus, like Appellant’s

claimed assembly, Garcia's table saw assembly comprises a pulley aligned along its axis of rotation so as to be properly positioned in relation to other components of the device to function as intended. Appellant's product-by-process claim 1 achieves this final product (a table saw assembly with a pulley aligned along its axis of rotation to properly function with other components of the assembly) by means of an alignment adjustment mechanism selected to compensate for tolerance build up associated with the first pulley. However, the final product (the table saw assembly, with a properly aligned pulley) is the same whether (i) the assembler assembled the table saw assembly using a universal spacer/shim that is the same spacer/shim used in every other table saw assembly⁴ or (ii) the assembler made adjustments to the spacer/shim, either by selecting from among a plurality of differently sized spacers/shims or by machining a universal spacer/shim, to compensate for tolerance build up associated with the first pulley. Notably, claim 1 is not directed to a process of assembling a table saw assembly, and thus does not require an affirmative step of altering an alignment adjustment mechanism or selecting from a plurality of differently sized alignment adjustment mechanisms. Nor does claim 1 recite a plurality of differently sized alignment adjustment mechanisms or an adjustable alignment mechanism.

Appellant also contests the Examiner's finding that Eck teaches "a pulley configured to electrically isolate the inner bore from the outer surface

⁴ This might be the case, for example, where manufacturing processes are so tightly controlled that the possible range of misalignment using the universal spacer/shim is beneath the threshold needed for the particular configuration to function properly. *See* Reply Br. 4.

of the pulley.” Appeal Br. 7. In particular, Appellant notes that Eck does not discuss the electrical characteristics of either the metal or the plastic of the pulley. *Id.* Thus, Appellant urges that the Examiner must establish by inherency that Eck’s pulley has the claimed characteristic. *Id.* Appellant contends that “the Examiner has failed to establish that all plastics are non-conductive.” *Id.* (citing evidence that conductive plastics are known).

Appellant’s argument is misplaced. The Examiner need not establish that *all* plastics are non-conductive to support the finding that Eck discloses a pulley configured to electrically isolate the inner bore from the outer surface of the pulley. Eck discloses a pulley construction comprising outer abrasion resistant liner 18, molded plastic body 12, and tubular bearing insert 14. Eck, Figs. 1, 2; ¶¶ 16–18. Eck teaches that suitable polymeric materials for the molded plastic body include polyamides, such as nylons, polyesters and polyurethanes, which are known to have good electrical insulating properties, but can be made conductive by adding conductive materials to them.⁵ *Id.* ¶ 17. Eck teaches that the polymeric material “*may* be compounded with additional fillers, modifiers or reinforcing agents as determined for a particular application.” *Id.* (emphasis added). Eck teaches that a *preferred* polymeric material contains a *fibrous glass* reinforcing material, which also is well known to be an excellent electrical insulator. *Id.* Thus, although Eck does not explicitly exclude polymeric materials containing electrically conductive additives as suitable for molded plastic

⁵ The “conductive plastic” alluded to in US 9,072,162 (“Finley”), cited by Appellant as evidence that “electrically conductive plastics are known” (Appeal Br. 7), is made electrically conductive by adding conductive particles or fibers to polymers which are otherwise electrically non-conductive. *See* Finley 4:53–60.

body 12, Eck's teachings encompass polymeric materials that do not contain electrically conductive additives. As such, Eck teaches embodiments that are electrically insulating. Eck therefore supports the Examiner's finding that Eck teaches a pulley "configured to electrically isolate the inner bore from the outer surface" (Final Act. 4).

Appellant next attacks the Examiner's stated rationales for modifying Garcia's pulley 121 by using a pulley configured to electrically isolate the inner bore from the outer bore. Appeal Br. 8. One reason the Examiner articulated for the modification is "so the pulley is lightweight and durable." Final Act. 4. Appellant argues that the Examiner has not identified in any of the references a teaching that Eck's pulley would be more lightweight or durable than Garcia's pulley. Appeal Br. 8. This argument is unavailing because the Examiner "did not state that the pulley was necessarily lighter or more durable than the pulley in [Garcia], just that it was lightweight and durable." Ans. 6. The modification proposed by the Examiner is nothing more than the simple substitution of one known element (pulley material or construction) for another known in the art. "[W]hen a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007).

Appellant also contends that "the Examiner has failed to establish that being 'lightweight' would be an advantage in the device of Garcia" and asserts that "the device of Garcia is a cabinet saw and it is notoriously well known that weight is desired in cabinet saws to provide increased accuracy." Appeal Br. 8. Appellant does not provide any evidence to support the

assertion that weight is desired in cabinet saws. Accordingly, Appellant's assertion amounts to unsupported attorney argument and is entitled to little, if any, weight. *See In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997). Moreover, even assuming that weight is desirable in cabinet saws to provide increased accuracy, as Appellant asserts, Appellant does not assert, much less show, that heavier *pulleys*, in particular, would be desirable to increase accuracy. The Examiner finds that "a lighter pulley would allow higher saw speeds, lower power consumption, and require a less powerful motor depending on the application" (Ans. 6), and Appellant does not specifically contest this finding.

Appellant additionally argues that "the Examiner has failed to explain why one of skill in the art would first modify the device of Garcia so as to *reduce* the potential for static discharge (by using a conductive belt), and then electrically isolate the belt so as to create the potential for static discharge." Appeal Br. 8. As mentioned above, the Examiner's stated rationale to use a pulley construction including a polymeric material as taught by Eck to provide a lightweight and durable pulley amounts to a simple substitution of one known element (pulley material or construction) for another known in the art and, thus, constitutes sufficient rationale for the proposed modification. Accordingly, the additional rationale, namely, "to isolate the assembly from static" (Final Act. 4), is superfluous.

To the extent that Appellant may be suggesting that using an arbor pulley that electrically isolates the inner bore from the outer surface would be inconsistent with, or counter to, providing an electrically conductive belt "to reduce the danger of ignition from static electricity" (Final Act. 4) as

taught by Choi, we disagree.⁶ Appellant’s argument seems to presume that the only electrical path for dissipation of static charge would be through the arbor pulley and arbor shaft. However, Appellant does not explain why other paths, such as through the motor pulley and motor shaft, or other ground paths in contact with the belt, would not be feasible for dissipating static charge from the belt. Further, Eck’s pulley comprises outer peripheral liner 18 made of metal. Eck ¶ 18. The Examiner states that “static may be isolated from the assembly and could be dissipated by the metal on the pulley surface and the conductive components of the belt.” Ans. 5.

Appellant does not specifically contest this statement.

For the above reasons, Appellant fails to apprise us of error in the rejection of claim 1. Accordingly, we sustain the rejection of claim 1, as well as claim 2, for which Appellant relies solely on the arguments presented for claim 1 (*see* Appeal Br. 9) and which thus falls with claim 1 (*see* 37 C.F.R. § 41.37(c)(1)(iv)), as unpatentable over Garcia, Choi, and Eck.⁷

⁶ Further, any such suggestion would appear to be at odds with Appellant’s disclosed and claimed invention, which provides an electrically conductive belt to dissipate static electricity, as well as a first pulley that electrically isolates the inner bore from the outer surface to electrically isolate the belt from the arbor shaft. *See* Spec. ¶¶ 7–9.

⁷ The present application is related to Application 15/060,693, which also claims benefit of provisional applications 62/131,977 and 62/132,004 and which is also on appeal to the Board (Appeal No. 2019-004706). We note that claim 1 before us in the present appeal includes substantially all of the limitations recited in claim 1 before us in Appeal No. 2019-004706, including “a drop arm assembly rotatably supporting the arbor shaft,” and that both claim 1 herein and claim 1 in Appeal No. 2019-004706 are rejected under 35 U.S.C. § 103 as unpatentable over Garcia, Choi, and Eck, with the Examiner reading the “drop arm assembly” in both cases on elements 104, 125, and 127 of Garcia. We reverse the rejection in Appeal No. 2019-

Claims 3–5:

The Examiner withdrew the rejection of claim 3 set forth in the Final Action and issued a new ground of rejection of claim 3 in the Answer. *See* Ans. 3, 4. The Examiner reads the claimed “shim lip” on the step of Garcia’s arbor shaft 200 abutting second bearing 230. Ans. 3.

Appellant argues that this step of Garcia’s arbor shaft 200 is not a “shim lip” because it “is not structurally related to any ‘shim’ or alignment adjustment mechanism since the spacer 222 (alleged to be the alignment adjustment mechanism) is positioned above the lip on the larger diameter

004706 because Appellant persuasively argued in that appeal that the rejection was predicated on an improper construction of “drop arm assembly.” We recognize the result in the present appeal (affirmance of the rejection of claim 1) might appear to be inconsistent with the result (reversal of the rejection of claim 1) in Appeal No. 2019-004706. However, Appellant does not present any arguments in the Appeal Brief or Reply Brief in the present appeal that the Examiner erred in reading the “drop arm assembly” in claim 1 on elements 104, 125, and 127 of Garcia. We review each case based on the written record before us in that case, and, as a general matter, we address only the issues raised by appellants in their briefs. Any arguments or authorities not included in the Appeal Brief or Reply Brief are not considered. *See* 37 C.F.R. § 41.37(c)(1)(vii); *Ex parte Frye*, 94 USPQ2d 1072, 1075–76 (BPAI 2010) (precedential) (“If an appellant fails to present arguments on a particular issue — or, more broadly, on a particular rejection — the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection.”). Our reviewing court has upheld this practice of requiring an appellant to identify error in an Examiner’s rejection. *See In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011) (approving of Board’s practice as set forth in *Ex parte Frye* of requiring appellants to identify examiner error in a rejection). In the event of further prosecution of the present application, such as by filing a request for continued examination, Appellant might wish to consider whether arguments presented in Appeal 2019-004706, but not presented in the present appeal, might be pertinent to the claims in the present application.

portion of the shaft 200.” Reply Br. 8. Appellant asserts that “the plain meaning of ‘shim lip’ is an edge or rim associated in some manner with a thin piece of material,” but that Appellant’s Specification narrows the meaning of “shim lip.” *Id.* at 9 (citing Spec. ¶ 168; Fig. 53). According to Appellant, “the [S]pecification consistently uses the term ‘shim lip’ to identify an edge or rim against which a shim is positioned, be it on the arbor shaft or the inner component of the pulley.” *Id.* Appellant asserts that, “[t]herefore, a reasonable construction of the limitation ‘shim lip’ in light of the Appellant’s [S]pecification is ‘an edge or rim configured to contact a component which adjusts alignment along the axis of alignment.’” *Id.* at 10.

Appellant’s arguments are not persuasive because they are predicated on an unduly narrow interpretation of the language of claim 3 and, in particular, the term “shim lip.” Appellant does not assert, much less direct our attention to any evidence in the record suggesting, that “shim lip” has a recognized meaning within the art. As Appellant acknowledges, Appellant’s Specification and drawings describe “shim lip 528” as a step or rim on arbor shaft 240 where the shaft transitions from a smaller diameter to a larger diameter. *See* Reply Br. 9; Spec. ¶ 168; Fig. 53. The Specification does not describe “shim lip 528” as including a shim or describe shim 526 as including a lip. *See* Appeal Br. 9–10 (stating that “[t]he shim 526 is never identified as including a lip”). Although Appellant’s Figure 53 depicts shim 526 as abutting against and contacting substantially the entire shim lip, claim 3 does not recite such a relationship between the shim lip and a shim (or between the shim lip and the recited alignment adjustment mechanism). It would be improper for us to read such unclaimed limitations from the drawings and Specification into claim 3, and we decline to do so. *See*

SuperGuide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870, 875 (Fed. Cir. 2004) (“Though understanding the claim language may be aided by the explanations contained in the written description, it is important not to import into a claim limitations that are not a part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.”).

The step of Garcia’s arbor shaft 200 on which the Examiner reads the claimed “shim lip” is the same structure Appellant’s Specification identifies as “shim lip 528,” namely, a step or rim on the shaft where the shaft transitions from a smaller diameter to a larger diameter. Further, the inner race of Garcia’s bearing 230 abuts up against this lip to serve as a stop for the right end of pulley spacer 222, as shown in Figure 11C, to properly align pulley 121 along arbor shaft 200. Thus, Garcia’s spacer 222 is functionally associated with this lip, which thus defines the right-most end of spacer 222, as shown in Figure 11C, and is located between the lip and the inner component of pulley 121. Appellant’s argument, which, as discussed above, is predicated on an unduly narrow construction of “shim lip,” fails to persuade us that the Examiner erred in reading the claimed “shim lip” on this step or rim on Garcia’s arbor shaft.

For the above reasons, Appellant does not apprise us of error in the rejection of claim 3. Accordingly, we sustain the rejection of claim 3, as well as claims 4 and 5, for which Appellant relies solely on the arguments presented for claim 3 (Appeal Br. 11), as unpatentable over Garcia, Choi, and Eck, which we thus sustain.

Claim 6:

In contesting the rejection of claim 6, Appellant relies on the arguments presented against the rejection of claims 1 and 3. *See* Appeal Br. 11–12. These arguments fail to apprise us of error in the rejection of claims 1 and 3, for the reasons discussed above, and, likewise, fail to apprise us of error in the rejection of claim 6 as unpatentable over Garcia, Choi, and Eck, which we thus sustain.

Claim 7:

Claim 7 depends from claim 1 and further recites that “the pulley is fixedly attached to a drive shaft of the motor assembly.” Notably, claim 7 refers to “the pulley,” rather than “the first pulley.” Nevertheless, because claim 1, from which claim 7 depends, recites only one pulley, namely, the “first pulley,” we construe “the pulley” in claim 7 as referring to the “first pulley” in claim 1.

Although Appellant’s Specification describes primarily the shim (alignment adjustment mechanism) being used in connection with driven pulley 192, and Appellant’s Figure 53 depicts the shim on arbor shaft 240, Appellant points, *inter alia*, to paragraph 169 of the Specification for support for an alignment mechanism associated with the motor pulley. Reply Br. 11. Paragraph 169 of the Specification discloses:

The shim 526 provides the correct alignment between the pulley 192 and the pulley 166. The motor end pulley 166 attaches to the motor assembly 160. The driven pulley 192 is attached to the drop arm assembly 194. Because of the tolerance build up, it is possible for the two pulleys 192/166 to be offset. Accordingly, in this embodiment one of the pulleys is fixed and the other is adjustable.

The Examiner’s finding that Garcia’s pulley 121 is fixedly attached to the drive shaft of motor assembly 114 is predicated on an unreasonable

interpretation of “fixedly attached to a drive shaft of the motor assembly” as encompassing “the situation where the first pulley (121) is fixedly attached to a drive shaft of the motor assembly (114) through the drive belt (116) and the drive pulley (shaft protruding from 114)” as disclosed in Garcia. Final Act. 5; Ans. 6. Accordingly, we do not sustain the rejection of claim 7 as unpatentable over Garcia, Choi, and Eck.

Claim 15:

Claim 15 depends from claim 1 and further recites a second pulley whose position along its axis of rotation “is not selected to compensate for tolerance build up associated with the second pulley, and the alignment adjustment mechanism is further selected to compensate for tolerance build up associated with the second pulley.” Appellant argues that because Garcia does not discuss or illustrate how motor pulley 158 is attached to the motor shaft, the Examiner must establish that Garcia’s pulley 158 “is inherently positioned at a location which does *not* compensate for tolerance [build up]” and has not done so. Appeal Br. 15–16. According to Appellant, “the Examiner must establish that it is not possible to position a pulley at a location which *compensates* for tolerance build-up” and “[t]here has been no such showing.” *Id.* at 16.

Notably, claim 15 does not recite that the position of the second pulley does not compensate for tolerance build up. Rather, claim 15 recites that the second pulley position “is not *selected* to compensate for tolerance build up associated with the second pulley.” In keeping with Appellant’s position, discussed above, that the “selected to compensate for tolerance build up” limitations are product-by-process limitations, we emphasize that the patentability of a product does not depend on its method of production

and that, if the product in a product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process. *See In re Thorpe*, 777 F.2d at 697.

As discussed above, the final product in Appellant's invention (as disclosed and as claimed) is a table saw assembly with a first pulley aligned along its axis of rotation to properly function with other components of the assembly, including a second pulley and a belt rotatably supported by the first and second pulleys, to form a properly functioning assembly. As also discussed above, like Appellant's claimed assembly, Garcia's table saw assembly comprises a pulley aligned along its axis of rotation so as to be properly positioned in relation to other components of the device to function as intended. Appellant's product-by-process claim 15 achieves this final product by means of an alignment adjustment mechanism selected to compensate for tolerance build up associated with the first pulley and a second pulley whose position is not selected to compensate for tolerance build up. However, the final product is the same whether (i) the assembler assembled the table saw assembly using a universal spacer/shim that is the same spacer/shim used in every other table saw assembly (for example, where manufacturing processes are tightly controlled) or (ii) the assembler made adjustments to the spacer/shim to compensate for tolerance build up associated with the first pulley and/or the second pulley. Further, the final product is the same whether or not the assembler took special steps, such as using an appropriate shim or spacer, to ensure the second pulley would be positioned along its axis of rotation so as to be properly aligned with the first

pulley. The product-by-process language of claim 15, therefore, does not patentably distinguish over Garcia's table saw assembly.

Thus, Appellant fails to apprise us of error in the rejection of claim 15 as unpatentable over Garcia, Choi, and Eck, which we thus sustain.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1-7, 15	103	Garcia, Choi, Eck	1-6, 15	7

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 IN PART