



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
**United States Patent and Trademark Office**  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/302,818	12/13/2016	Frank OLDORFF	3910-40053	3932
25570	7590	09/15/2020	EXAMINER	
Roberts Calderon Safran & Cole, P.C. 7918 Jones Branch Drive Suite 500 McLean, VA 22102			MELLOTT, JAMES M	
			ART UNIT	PAPER NUMBER
			1712	
			NOTIFICATION DATE	DELIVERY MODE
			09/15/2020	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@rcsc-ip.com  
lgallaugh@rcsc-ip.com  
secretaries@rcsc-ip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* FRANK OLDORFF<sup>1</sup>

---

Appeal 2019-006435  
Application 15/302,818  
Technology Center 1700

---

Before CATHERINE Q. TIMM, DONNA M. PRAISS, and  
CHRISTOPHER C. KENNEDY, *Administrative Patent Judges*.

KENNEDY, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner’s decision rejecting claims 1–3 and 5–23. An oral hearing was held on August 25, 2020. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM IN PART.

BACKGROUND

The subject matter on appeal relates to methods for finishing wooden boards, such as boards for use in floors. *E.g.*, Spec. 1:3–4, 9–12; Claim 1.

---

<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. The Appellant identifies the real party in interest as FLOORING TECHNOLOGIES LTD. Appeal Br. 2.

Claim 1 is reproduced below from page 18 (Claims Appendix) of the Appeal Brief:

1. A process for the finishing of a wooden board with an upper side and an underside, comprising:
  - a) application of a basecoat made of a first liquid melamine resin to the upper side, where the melamine resin penetrates at least to some extent into an upper peripheral layer of the wooden board,
  - b) drying of the basecoat to give a basecoat layer,
  - c) application of a base color to the basecoat layer,
  - d) drying of the base color to give a base color layer,
  - e) application of a printing ink to the base color layer to produce a decorative effect,
  - f) drying of the decorative effect to give a decorative layer,
  - g) application of a second liquid melamine resin to the dried decorative layer,
  - h) drying of the second liquid melamine resin to give a melamine resin layer, and
  - i) application of a liquid medium having a proportion of isocyanate groups to the second liquid melamine resin layer.<sup>2</sup>

---

<sup>2</sup> Although not material to our disposition of this appeal, we observe that steps (g) through (i) may create an ambiguity that the Appellant may wish to address in the event of further examination of the application on appeal. Namely, step (g) recites “application of a second liquid melamine resin.” Step (h) recites “*drying . . . the second liquid melamine resin.*” Step (i) recites “application of a liquid medium . . . to the second *liquid melamine resin layer.*” It may be unclear how the “second liquid melamine resin layer” referred to in step (i) can, in fact, still be a “liquid,” if it has been dried as recited by step (h). *Cf. In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) (“[D]uring patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.”).

### REJECTIONS ON APPEAL<sup>3</sup>

The claims stand rejected under 35 U.S.C. § 103 as follows:

1. Claims 1–3, 5, 6, 8, 9, 12–16, and 18–23 over Oldorff ’463 (US 2011/0217463 A1, published Sept. 8, 2011), Siebert (WO 2012/037950 A1, published Mar. 29, 2012),<sup>4</sup> and Wigger (US 6,620,511 B1, issued Sept. 16, 2003).
2. Claim 7 over Oldorff ’463, Siebert, Wigger, and Oldorff ’054 (US 2009/0050054 A1, published Feb. 26, 2009).
3. Claims 10 and 11 over Oldorff ’463, Siebert, Wigger, and Miyamoto (US 2004/0006944 A1, published Jan. 15, 2004).
4. Claim 17 over Oldorff ’463, Siebert, Wigger, and Brown (US 6,021,615, issued Feb. 8, 2000).

---

<sup>3</sup> The Final Action included rejections under 35 U.S.C. § 112(a) and (b). Final Act. dated Oct. 11, 2018, at 2, 3. Those rejections appear to have been overcome in claim amendments following the Final Action. In an Advisory Action noting that the claim amendments had been entered, the Examiner repeated the rejections under § 103 but did not repeat the rejections under § 112. *See* Advisory Act. dated Feb. 15, 2019. In the Appeal Brief, the Appellant indicates its understanding that the § 112 rejections were overcome by the claim amendments. *See* Appeal Br. 3 n.2. In the Examiner’s Answer, the Examiner does not indicate otherwise. *See generally* Ans. Accordingly, we understand that the § 112 rejections were overcome by claim amendments following the Final Action, and that only the § 103 rejections are at issue in this appeal.

<sup>4</sup> The Examiner relies on corresponding U.S. Publication No. 2013/0177742 A1 as an English language translation. *See* Final Act. 5. Because the Appellant has not objected to that, we do the same in this Decision.

## ANALYSIS

After review of the cited evidence in the appeal record and the opposing positions of the Appellant and the Examiner, we determine that the Appellant has not identified reversible error in the Examiner's rejection of claims 1–3 and 5–20. Accordingly, we affirm the rejections of those claims for reasons set forth below; in the Final Action dated Oct. 11, 2018 (“Final Act.”); the Advisory Action dated Jan. 30, 2019; the Advisory Action dated Feb. 15, 2019 (“Advisory Act.”); and in the Examiner's Answer dated July 11, 2019. However, as set forth below, we reverse the Examiner's rejection of claims 21–23.

### *Rejection 1*

The Appellant presents separate arguments as to claims 1, 5, 21, 22, and 23. We address those claims below. The claims not separately argued will stand or fall with claim 1, from which they depend. *See* 37 C.F.R. § 41.37(c)(1)(iv).

**Claim 1.** The Examiner's rejection of claim 1 appears at pages 5–8 of the Final Action. The Examiner finds that the combination of Oldorff '463 and Siebert discloses a method comprising each step of claim 1, but that neither Oldorff '463 nor Siebert specifically discloses that isocyanates should be included in any layer. Final Act. 5–7. As to the particular method steps, the Examiner acknowledges that, although Oldorff '463 teaches steps of applying a “primer” and an “undercoat” layer to the upper side of a wood board prior to applying a printed decoration, Oldorff '463's primer and undercoat layers may not precisely correspond to the “basecoat” and “base color” layers recited by steps (a) and (c) of claim 1. *Id.* at 6. The Examiner finds, however, that Siebert teaches applying a melamine basecoat directly

to the top surface of wood, and that Siebert teaches that “[t]he penetration of the melamine resin into the wooden substrate reduces the risk of delamination of the decorative layers.” *Id.* at 6–7. The Examiner also finds that Siebert teaches application of a “primer” to the melamine basecoat layer, and that the “primer” layer of Siebert corresponds to the claimed “base color” layer of claim 1. *Id.* at 6–7. The Examiner determines that it would have been obvious to substitute the melamine basecoat and primer layer structure of Siebert for the primer/undercoat layer structure of Oldorff ’463 because “it is *prima facie* obvious to substitute known structures and coatings for the same purpose and furthermore, [Siebert] teaches that the use of the coatings reduces the risk of delamination which would have predictably improved the product of [Oldorff] ’463.” *Id.*

As to the inclusion of isocyanates in any coating layer, the Examiner finds that Wigger “discloses a melamine based resin which is suitable for coating wood substrates which further comprises an isocyanate compound.” *Id.* at 7 (internal citations omitted). The Examiner determines that it would have been obvious “to use the melamine/isocyanate coating composition of [Wigger] as the melamine resin compositions” in the method of the combined prior art “because the composition of [Wigger] is an art recognized melamine coating composition suitable for wood substrates and recognized as suitable for the primers, basecoat, and clearcoat compositions which would have predictably provided good clarity as an overcoat of the decorative layer and simplified the coating process by providing the same base composition for all layers comprised of melamine resin.” *Id.* at 7–8.

In view of those and other findings less relevant to the arguments raised by the Appellant in this appeal, the Examiner concludes that the

subject matter of claim 1 would have been obvious to a person of ordinary skill in the art. *Id.* at 5–8.

The Appellant raises several arguments against the Examiner’s rejection, which we address below in turn. We first address the Appellant’s arguments concerning the claimed layer structure, and we then address the Appellant’s arguments concerning the use of isocyanates in melamine resin layers.

1. The Appellant argues that Oldorff ’463 prints its decorative layer “on the undercoat layer, not a basecoat.” Appeal Br. 6. The Appellant also argues that, in Oldorff ’463, “there is no teaching of applying the resin layers in the same sequence as recited in the claimed invention.” *Id.* at 8.

Those arguments are not persuasive because the Examiner does not rely on Oldorff ’463 alone for the disclosure of the claimed layer structure. *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981) (“[O]ne cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.”). As noted above, the Examiner proposes substituting the basecoat/primer layer structure of Siebert for the primer/undercoat layer structure of Oldorff ’463 to reduce delamination.

As to the remaining layers (i.e., a melamine resin layer on top of the decorative layer, and a liquid medium layer having isocyanate groups on top of the melamine layer), Oldorff ’463 teaches that printed decorative layers are typically “covered with a protection layer” “[t]o ensure that they withstand . . . loading,” and that the protective layer “generally consists of a synthetic resin, for example melamine resin.” Oldorff ’463 ¶ 2.

Oldorff ’463 goes on to expressly disclose a desirable structure in which

multiple protective resin layers are applied and dried to “enclos[e] the decor.” *Id.* ¶¶ 6–15, 19, 23. Thus, consistent with the Examiner’s findings, the combined prior art teaches or suggests a layer structure that corresponds to that of claim 1, i.e., (1) basecoat (Siebert), (2) base color (primer) (Siebert), (3) decorative printed layer (Oldorff ’463), (4) melamine resin layer (Oldorff ’463), (4) liquid medium (i.e., an additional melamine resin protective layer) (Oldorff ’463). *See, e.g.*, Ans. 4.

2. The Appellant argues that “Siebert does not provide the same sequence of layers as the claimed invention.” Appeal Br. 8.

That argument is not persuasive because, as explained above, the Examiner relies on the combination of Oldorff ’463 and Siebert—not either reference individually—as disclosing the claimed sequence of layers.

3. The Appellant argues that “the Siebert combination of constituent materials have a very hard surface,” in which “the resultant noise level is unacceptable.” Appeal Br. 10. The Appellant asserts that “[t]hese are the exact characteristics that the claimed invention avoids.” *Id.*

That argument is unpersuasive because the Appellant fails to tie it to the requirements of claim 1. Even assuming the Appellant to be correct that Siebert’s floor would be hard and noisy, the Appellant does not show how claim 1 excludes such a floor.

4. In the Reply Brief, the Appellant argues that “the Examiner is merely mixing and matching different references together, without any motivation or teaching to do so.” Reply Br. 5.

That argument is unpersuasive because, as set forth above, the Examiner finds specific motivation for the proposed combination in Siebert’s disclosures concerning reduced delamination.



5. In the Reply Brief, the Appellant argues, with no elaboration, that “it would be impermissible to have the primer of Siebert read on the claimed base color layer.” Reply Br. 11.

As an initial matter, that argument is untimely and waived because it was not presented in the Appeal Brief, and the Appellant has not attempted to show good cause for presenting it for the first time in the Reply Brief. *See* 37 C.F.R. § 41.41(b)(2). In the Final Action, the Examiner explicitly finds that “a primer reads on the base color layer.” Final Act. 7.

Even if it were not waived, however, it would be unpersuasive. In the Final Action, the Examiner explains that a primer layer corresponds to the claimed “base color layer” because the term “base color layer” “has not been limited to sufficient detail to exclude the primer layer of [Siebert] from reading on said layer.” *Id.* at 16. The Appellant provides no evidence or argument to the contrary. The Appellant’s unexplained assertion for the first time in the Reply Brief that “it would be impermissible to have the primer of Siebert read on the claimed base color layer,” Reply Br. 11, amounts to a mere statement of disagreement. *See SmithKline Beecham Corp. v. Apotex Corp.*, 439 F.3d 1312, 1320 (Fed. Cir. 2006) (“[M]ere statements of disagreement . . . as to the existence of factual disputes do not amount to a developed argument.”).

6. In the Reply Brief, the Appellant argues that “[o]ne needs to consider that the primer and undercoat layer of Oldorff (’463) cannot simply be replaced by the basecoat and primer layer of Siebert (’742).” Reply Br. 11.

That argument is not persuasive because the Appellant provides no persuasive evidence or argument as to why a person of ordinary skill in the

art would have regarded the proposed substitution (i.e., the basecoat/primer of Siebert for the primer/undercoat of Oldorff '463) to be incompatible, particularly given that both Siebert and Oldorff '463 concern wood flooring comprising coatings and decorative layers.

7. We now address the Appellant's arguments concerning isocyanates. The Appellant first argues that, "[a]lthough th[e] coating [of Wigger] includes isocyanate groups, there is no teaching, whatsoever, that the liquid medium having a proportion of isocyanate groups is or would be applied to a melamine resin layer of Siebert." Appeal Br. 11.

That argument is not persuasive because it misapprehends the Examiner's rationale. The Examiner is not proposing the addition of a layer from Wigger to the layers of Oldorff '463. Rather, as explained above, the Examiner is proposing the use of the melamine resin of Wigger, which includes isocyanates and is taught as a suitable coating material for wood, as the melamine resin layer in *all* of the melamine resin layers of the combined prior art, i.e., the melamine base coat layer of Siebert and the multiple melamine protective covering layers of Oldorff '463.

8. The Appellant argues that "the Examiner provides no evidence" for the assertion that Wigger's coating "is an art recognized melamine coating composition suitable for wood substrates and recognized as suitable for primers, basecoat, and clearcoat compositions." Appeal Br. 11.

That argument is not persuasive. Wigger specifically teaches the use of its coating in applications such as a topcoat, a basecoat, a clearcoat, and as a "coating material[]" generally. *See* Wigger col. 14. Wigger also teaches that its coatings are "suitable for producing single-coat or multicoat coating systems which absorb mechanical energy," and that its coatings are "suitable

for producing single-coat or multicoat clearcoat systems on primed or unprimed substrates or on the single-coat or multicoat coating systems which absorb mechanical energy and/or impart color and/or effect.” *Id.* at 16:18–25. Wigger expressly teaches that its coatings are suitable for wood. *Id.* at 16:29. The Appellant does not persuasively address those disclosures, which contradict the Appellant’s argument.

9. The Appellant argues that “the Examiner does not provide any reasoning for how the isocyanates [of Wigger] can simplify the coating process.” Appeal Br. 11.

That argument is not persuasive. The Examiner does not find that the isocyanates themselves simplify the coating process. The Examiner finds that the use of a single melamine resin composition (i.e., the composition of Wigger that includes isocyanates) as the composition used for each of the melamine layers of the combined prior art would simplify the process because it is quicker and easier to use a single melamine composition for every layer than it is to use a different composition for each layer. *See* Ans. 8. On this record, the Appellant has not persuasively identified error in that finding.

Moreover, we observe that the Examiner’s proposal appears to be the use of a known composition (i.e., Wigger’s) according to its established function (wood coating). The use of a known element according to its established function typically does not result in nonobvious subject matter. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416–21 (2007) (“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”); *see also id.* at 416 (“[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.”).

10. In the Reply Brief, the Appellant argues for the first time that “a person of skill in the art reading the Wigger reference would not be provided with any motivation to use the isocyanate groups with a melamine resin” because “Wigger teaches the use of a polyurethane prepolymer containing isocyanate groups . . . . The polyurethane prepolymer is not a melamine resin, nor is there any teaching that the isocyanate groups can be used with melamine resin.” Reply Br. 13.

That argument is untimely and waived because it was not presented in the Appeal Brief, and the Appellant has not attempted to show good cause for presenting it for the first time in the Reply Brief. *See* 37 C.F.R.

§ 41.41(b)(2). In the Final Action, the Examiner explicitly finds that Wigger “discloses a melamine based resin which is suitable for coating wood substrates which further comprises an isocyanate compound.” Final Act. 7.

Even if it were not waived, however, it would be unpersuasive. Wigger specifically teaches that one component of its coating includes “isocyanate groups,” and that another component is an “amino resin.” Wigger at Abstract. Wigger teaches that the amino resin may be a melamine-formaldehyde resin. *Id.* at 11:24–28. Wigger also provides an example in which “a water-dilutable methanol-etherified melamine resin” is used. *Id.* at col. 19 (Example 5). The Appellant does not address those disclosures or explain why Wigger’s coatings that include melamine resin and polyisocyanate groups fall beyond the scope of claim 1.

In summary, we have considered all of the Appellant's arguments concerning claim 1, and we are not persuaded of reversible error in the Examiner's rejection of claim 1.

**Claim 5.** Claim 5 depends from claim 1 and further recites, "wherein the liquid medium is a molten hotmelt which solidifies after application to give a layer." Appeal Br. 18.

In the Final Action, the Examiner finds that Oldorff '463 discloses that, after the resin layers are applied, "[t]he liquid medium is melted after drying and thus is a hotmelt which solidifies after the drying." Final Act. 9 (citing Oldorff '463 ¶ 19).

The entirety of the Appellant's argument against the Examiner's analysis is as follows: "Appellant submits that Oldorff ('463) does show a melamine resin layer that is melted, but there is no teaching in Oldorff ('463) or even Wigger ('511) that a liquid medium having a proportion of isocyanate groups is a molten hotmelt." App. Br. 13.

In the Answer, the Examiner responds as follows:

In regards to appellant's arguments pertaining to claim 5, appellant is advised that the claim does not require at what specific point the melamine is a molten hotmelt and thus given that it is melted and then solidified it is apparent that the melamine of the combination reads on said claim.

Ans. 10. Thus, it is adequately clear that the Examiner understands the term "hotmelt" to encompass melted compositions. *See id.*

In the Reply Brief, the Appellant acknowledges but does not dispute the Examiner's determination that "the claim does not require at what specific point the melamine is a molten hotmelt." Ans. 10; Reply 14. Nor does the Appellant provide any meaningful analysis of the scope of the term

“hotmelt.” *See* Reply 14. The entirety of the Appellant’s argument in the Reply is that “there simply is no teaching in Oldorff (’463) or Wigger (’511) that a liquid medium having a proportion of isocyanate groups is a molten hotmelt. . . . [T]he important fact remains that no combination of the references even teach a molten hotmelt.” *Id.*

The Appellant’s arguments are not persuasive of reversible error because they essentially amount to a recitation of the claim language and a naked assertion that the prior art does not teach it. *See* 37 C.F.R. § 41.37(c)(1)(iv) (“A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.”); *accord In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (“[T]he Board reasonably interpreted Rule 41.37 to require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art.”). In particular, we observe that the Appellant does not attempt to explain why the Examiner’s interpretation of the term “hotmelt” as encompassing melted compositions is incorrect. To the extent that the Appellant’s argument hinges on the fact that Oldorff ’463 alone does not teach a melamine composition that also includes isocyanate groups, as explained above, the Examiner relies on the combination of Oldorff ’463 and Wigger, and we are not persuaded of reversible error in the Examiner’s determination that Wigger discloses wood coating compositions that include both melamine resin and isocyanate groups. *See Keller*, 642 F.2d at 426 (“[O]ne cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.”).

Thus, we are not persuaded of reversible error in the Examiner's determination that the proposed combination (i.e., Wigger's melamine/isocyanate composition that is applied, dried, and melted as taught by Oldorff '463) teaches or suggests the subject matter of claim 5. *See In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011) (“[I]t has long been the Board's practice to require an applicant to identify the alleged error in the examiner's rejections . . .”).

**Claims 21–23.** Claim 21 depends from claim 5 and further recites, “wherein the hotmelt is an adhesive which has isocyanate groups, the hotmelt is heated prior to application and then cooled after the application to form a layer on the melamine resin layer.” Appeal Br. 20.

The Examiner finds that the hotmelt of the prior art is an adhesive because it “binds to the prior layers.” Final Act. 8. The Examiner finds that the combined prior art “does not explicitly teach that the liquid medium is heated prior to application.” *Id.* However, the Examiner finds that, because Oldorff '463 “teaches that the liquid medium is a solution it is apparent that [Oldorff] '463 teaches controlling solubility and temperature is a result effective variable based on the desired solubility and it is obvious to optimize the temperature to obtain the desired solubility.” *Id.*

In the Appeal Brief, the Appellant argues that Oldorff '463 discloses “that the melamine resin is heated and melted after the application, itself (and not before as recited in the claimed invention).” Appeal Br. 13.

In the Answer, the Examiner repeats the Examiner's findings concerning optimization of result effective variables. Ans. 10.

“[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In*

*re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). The Examiner’s analysis is inadequate to carry that burden as to claim 21. Merely identifying something as a result-effective variable does not necessarily lead to a conclusion of obviousness. In *In re Stepan Co.*, 868 F.3d 1342, 1346 (Fed. Cir. 2017), the Federal Circuit reversed a rejection based on routine optimization because the rejection failed to explain why routine optimization would have led to the claimed invention. The Federal Circuit stated that, even when routine optimization is at issue, “the Board must provide some rational underpinning explaining why a person of ordinary skill in the art would have arrived at the claimed invention.” *Stepan*, 868 F.3d at 1346.

The Examiner has not done that in this case. Of itself, the fact that Oldorff ’463 describes its resin layers as a solution is inadequate. In combination with claims 1 and 5, from which claim 21 depends, claim 21 requires that the resin must be a hotmelt that is heated “prior to application.” There is no dispute that paragraph 19 of Oldorff ’463, relied on by the Examiner as disclosing a hotmelt, does not disclose forming a hotmelt (i.e., melting) until *after* application and drying. See Oldorff ’463 ¶ 19. Beyond that, the Examiner identifies no disclosure in Oldorff ’463 of heating the melamine composition, much less of heating the melamine composition sufficiently to melt it, prior to application. Even assuming that the disclosure of a solution, of itself, implies that temperature may be adjusted to effect solubility, the Examiner does not explain why, in the context of Oldorff ’463, temperature optimization may reasonably have led to *melting* (forming a hotmelt) the melamine composition before its initial application, particularly given that Oldorff ’463 describes a melting step *after* the initial



application and drying, but says nothing about heating—much less melting—prior to application.

On this record, we are not persuaded that Oldorff '463's description of melamine resins as solutions, of itself, would have led a person of ordinary skill in the art to form a hotmelt of a melamine resin "prior to application" as required by claim 21. Accordingly, we reverse the Examiner's rejection of claim 21.

Because claims 22 and 23 depend from claim 21, and the Examiner's analysis of those claims does not remedy the error identified above, we also reverse the Examiner's rejection of claims 22 and 23.

*Rejections 2–4*

The Appellant raises no separate arguments as to the claims subject to Rejections 2–4. *See* Appeal Br. 16–17. Each of those claims depends from a claim whose rejection we affirm above. Accordingly, the claims subject to Rejections 2–4 fall with the claims from which they depend. We affirm Rejections 2–4.

CONCLUSION

In summary:

<b>Claim(s) Rejected</b>	<b>35 U.S.C. §</b>	<b>References</b>	<b>Affirmed</b>	<b>Reversed</b>
1–3, 5, 6, 8, 9, 12–16, 18–23	103	Oldorff '463, Siebert, Wigger	1–3, 5, 6, 8, 9, 12–16, 18–20	21–23
7	103	Oldorff '463, Siebert, Wigger, Oldorff '054	7	
10, 11		Oldorff '463, Siebert, Wigger,	10, 11	

<b>Claim(s) Rejected</b>	<b>35 U.S.C. §</b>	<b>References</b>	<b>Affirmed</b>	<b>Reversed</b>
		Miyamoto		
17		Oldorff '463, Siebert, Wigger, Brown	17	
<b>Overall Outcome</b>			1-3, 5-20	21-23

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED IN PART