

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KUNIO TAKEDA and HIROTOSHI YOKONO

Appeal No. 2001-1380
Application No. 09/138,998

ON BRIEF

Before KRASS, JERRY SMITH and SAADAT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 3 and 4.

The invention is directed to a housing for minimizing space requirements when opening/closing a lid on the housing.

Independent claim 3 is reproduced as follows:

3. A housing comprising a main body having an opening, a lid for covering the opening, guide means for guiding relative movement of the lid with respect to the main body, and a mechanism for opening and closing the lid, wherein the mechanism comprises a drive unit for moving the lid relative to the main body, said drive unit comprising a first part secured to the main body and a second part secured to the lid and arranged to cooperate with the first part, characterized in that:

the mechanism further comprises means, responsive to driving force of the drive unit in a first direction, for moving the lid relative to the main body from a closed position over a first distance in a first linear direction only, and for subsequently rotating the lid relative to the main body over a second distance in a first rotational direction, thereby lowering a rear edge of the lid from an initial height to a lower position and uncovering the opening of the main body, and

said means for moving and rotating is further responsive to driving force of the drive unit in a second, reverse, direction, for rotating the lid relative to the main body over said second distance in a second, reverse, rotational direction thereby returning the rear edge of the lid from the lower position to the initial height, and subsequently moving the lid relative to the main body over said first distance in a second, reverse, linear direction, thereby closing the opening of the main body.

The examiner relies on the following references:

Sakurai et al.	4,530,081	Jul. 16, 1985
Akutagawa	JP 4-98675	Mar. 31, 1992

Claims 3 and 4 stand rejected under 35 U.S.C. 103 as unpatentable over Akutagawa in view of Sakurai.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

It is the examiner's basic position that Akutagawa discloses the instant claimed subject matter but for a mechanism for opening/closing the lid on the disclosed housing. The examiner turns to Sakuri, at column 4, line 16, for a teaching that an opening in a main body of a structure may be uncovered either "manually or by a drive mechanism," and, at column 4, lines 53-56, for a suggestion that the artisan would like to open and close a lid reliably with only a limited space available for storing the lid. The examiner then concludes that it would have been obvious to add a mechanism for opening/closing the lid of Akugatawa, wherein the mechanism comprises a drive unit for moving the lid relative to the main body, and wherein the drive unit comprises a first part secured to the main body and a second part secured to the lid and arranged to cooperate with the first part, as taught by Sakuri.

For their part, appellants do not dispute the obviousness of motorizing opening motions of a lid, though they contend that the creation of necessary linkages are "often patentably inventive" [principal brief-page 6]. While a particular linkage may, indeed, be patentably inventive, instant claims 3 and 4 do not

Appeal No. 2001-1380
Application No. 09/138,998

recite any specific linkage. These claims merely set forth the particular way a lid moves relative to a body.

Appellants' main argument is directed to whether one may consider the lid disclosed by Akutagawa a "lid," as claimed, because the lid in Akutagawa is not situated on top of the housing but, rather is more akin to a front cover. It is appellants' position that the front cover, described as a "lid" in the Akutagawa translation, is not the same as the lid contemplated by appellants and described in the instant specification.

After careful review of the record, we find ourselves in agreement with the examiner. While we understand the structural differences between the lid described in the instant specification and the lid described in Akutagawa, we agree with the examiner that nothing in either claim 3 or 4 requires the claimed lid to be atop the housing, rather than constituting a front cover, as depicted by Akutagawa.

While appellants point to the instant specification as support for their contention that we must construe the lid as being a closure for a top opening, we must not read limitations from the specification into the claims when the terms used in the claims are clear. We further note that the claimed "lid" is not

Appeal No. 2001-1380
Application No. 09/138,998

presented in means plus function language, so we need not refer to the specification for a description of the covered structure and its equivalents. The claimed term, "lid," is clear on its face and clearly covers any type of cover, whether as a closure for a top opening or a closure for a front opening. Appellants chose the term in drafting the claims and, in so choosing, for whatever reason, decided on giving the claim a broader scope. They could easily have limited the claimed "lid" to a lid for covering a top opening of a housing but chose not to do so. Accordingly, we will not construe the broad claim language, "lid," as something narrower in scope than what the plain language of the claim suggests.

Having decided that the lid of Akutagawa, which covers a front opening, meets the broadly claimed "lid" of claims 3 and 4, we note that Akutagawa's lid operates as set forth in claims 3 and 4 since, as Figures 1-4 of Akutagawa show, lid 11 is moved relative to the main body from a closed position (e.g., Figure 1) over a first distance in a first linear direction (the lid is first pulled straight out from the main body) only, and then subsequently rotated relative to the main body over a second distance in a first rotational direction (e.g., see Figure 2).

While appellants point out that the rear edge of the lid in Akutagawa is not lowered from an initial height to a lower position when uncovering the opening, we disagree. The interpretation depends on what is considered the "rear edge" of the lid. However, if either the vertical or the horizontal portion of lid 11 shown in Figure 1 is considered the "rear edge," each of these portions is in a lower position in Figure 2, after rotation, than it was in Figure 1. While it may be that the point of lid 11 contacting box body 7 in Figure 1 is at about the same height in both Figures 1 and 2, even if this horizontal portion of lid 11 in Figure 1 is considered the "rear edge" of lid 11, the rest of that horizontal portion is clearly lower in Figure 2 than in Figure 1. If the vertical portion of lid 11 in Figure 1 is considered the "rear edge" (which it is from the main body's perspective), then this vertical portion is clearly lower (it becomes the horizontal portion) in Figure 2, after rotation.

With regard to the second, reverse, rotational direction specifics of claims 3 and 4, appellants argue that Akutagawa did not teach the return movement. We disagree. Not only would the artisan have recognized that closing the lid would clearly take the opposite, reversed, route, relative to opening of the lid, but, as the examiner points out, the Constitution portion of

Appeal No. 2001-1380
Application No. 09/138,998

Akutagawa specifically states that "[b]y executing the above-mentioned operation reversely, the lid body 11 is turned to the closed state." Accordingly, appellants argument in this regard is not persuasive.

The examiner's decision rejecting claims 3 and 4 under 35 U.S.C. 103 is affirmed.

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

AFFIRMED

ERROL A. KRASS)	
Administrative Patent Judge)	
)	
)	
)	
)	
JERRY SMITH)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
)	
MAHSHID D. SAADAT)	
Administrative Patent Judge)	

EK/RWK

Appeal No. 2001-1380
Application No. 09/138,998

CORPORATE PATENT COUNSEL
U S PHILLIPS CORPORATION
580 WHITE PLAINS ROAD
TARRYTOWN, NY 10591