

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte YUTAKA HIRATA

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Appeal No. 2001-2192  
Application 09/116,906

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ON BRIEF

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Before COHEN, MCQUADE, and BAHR, Administrative Patent Judges.  
MCQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Yutaka Hirata originally took this appeal from the final rejection of claims 11 through 13. The appellant has since canceled claim 12 and amended claims 11 and 13, leaving the latter two claims as the only ones remaining in the application and on appeal.

THE INVENTION

The invention relates to "a seat with a sheet-like sensor which detects whether an occupant is seated in the seat" (specification, page 1). Independent claim 11 reads as follows:

11. A seat with a seat sensor, comprising:  
a pressure sensitive sheet sensor for sensing a pressure having a terminal and a cable for connecting the sheet sensor and the terminal, and  
a seat pad for allowing a user to sit thereon, said seat pad having a slit extending horizontally from a rear peripheral side of the seat pad to a middle area of the seat pad, said slit having a width and a height to allow the sheet sensor to enter from the rear peripheral side to the middle area thereof so that the sheet sensor is disposed inside the seat pad, and the terminal projects from the rear side of the seat pad.

THE PRIOR ART

The reference relied on by the examiner to support the final rejection is:

Fontaine	5,120,980	Jun. 9,
1992		

THE REJECTION

Claims 11 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fontaine.

Attention is directed to the appellant's brief (Paper No. 14) and the examiner's answer (Paper No. 15) for the

respective positions of the appellant and the examiner with regard to the merits of this rejection.<sup>1</sup>

#### DISCUSSION

Fontaine discloses "a weight activated seat cushion switch with an electronic delay circuit" (column 1, lines 6 and 7).

As further described by Fontaine with reference to Figure 1,

a resilient compressible apertured separator 1 separates two wire mesh contact sheets 2 and 3 in which conductive contacts 4 are mounted on several opposing locations on sheets 2 and 3. Holes 5 allow opposing contacts 4 which are preferably washers, to touch when separator 1 is compressed. In normal operation this would occur when a person sits on the device. Contacts 4 are electrically connected to contact sheets 2 and 3. Delay circuit 7 normally fits into slot 10. Lead wires 8 and 9 and G are normally connected to whatever activating device this invention triggers (not shown). Resilient layers 17 and 18 protect contact sheets 2 and 3. Plastic cover 6 provides a protective outer cover for the device of the invention.

During operation twelve volts of DC electric power is applied across lead wires 8 and 14 by the activating device this invention triggers (not shown). Lead wire G attaches to ground. A typical

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<sup>1</sup> In the final rejection (Paper No. 8), claim 11 also stood rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,113,176 to Harris. Due to the subsequent amendment of the claim, the examiner (see page 2 in the answer) has withdrawn this rejection.

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application using the present invention would be a vehicle emergency brake system configured to apply the emergency brakes when the driver lifted his weight off the invention for more than a few seconds. Typically this total system adds a measure of safety to a delivery truck operation requiring numerous park and stop maneuvers while the vehicle is running.

While contact is sensed between contact sheets 2 and 3 by the delay circuit 7, a direct electric path between leads 8 and 9 is provided by delay circuit 7. When contact stops between contact sheets 2 and 3, delay circuit 7 electronically delays opening the electric path between lead[s] 8 and 9 for an adjustable period of time, usually 3-7 seconds.

Contact points 15 and 16 and wires 13 and 14 provide an electric path from sheets 2 and 3 through the delay circuit 7 via input terminal 11 [column 2, lines 3 through 37].

In applying Fontaine against claims 11 and 13, the examiner finds that

Fontaine discloses the use of a seat with a pressure sensitive sheet sensor (7) disposed inside a seat pad (1), in which a user may sit on. The seat pad has a slit (10) located rearwardly thereof in order to allow the sensor to enter from one peripheral side to a middle thereof (see Figure 1). Fontaine further teaches the seat having a cover (6) and the sensor has a cable (8,9) which inherently has some terminal (end) [answer, page 3].

The appellant submits that Fontaine's delay circuit 7 is not a pressure sensitive sheet sensor and that the slot 10 in Fontaine's separator 1 does not extend to a middle area of a seat pad. In the appellant's view, although Fontaine's

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separator 1, wire mesh contact sheets 2 and 3, and conductive contacts 4, with or without delay circuit 7, collectively constitute a pressure sensitive sheet sensor, such sensor is not associated with a seat pad having a slit of the type recited in claim 11. In response, the examiner points to Fontaine's statement that "contact is sensed between contact sheets 2 and 3 by the delay circuit 7" (column 2, lines 28 and 29), and urges that "since the middle area was not clearly defined 'as to its extent on the seat pad' that part of the corner area [encompassed by Fontaine's slot 10] would in fact lie within the 'middle area' in its 'broadest interpretation'" (answer, page 4).

Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). In other words, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Research

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Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

A fair reading of Fontaine supports the appellant's view that the reference discloses a pressure sensitive sheet sensor composed of separator 1, wire mesh contact sheets 2 and 3, conductive contacts 4 and arguably delay circuit 7. A person of ordinary skill in the art would readily appreciate that it is only through the cooperative interaction of these elements that the Fontaine device is capable of sensing pressure (i.e., the weight of a person sitting on the device). The delay circuit 7 does not, in and of itself, perform this function, and thus does not alone meet the "pressure sensitive sheet sensor" limitation in claim 11 as urged by the examiner. Since Fontaine does not disclose a seat pad having a slit as defined by claim 11 for receiving the foregoing pressure sensitive sheet sensor components, it does not respond to each and every element of the invention set forth in the claim.

Accordingly, we shall not sustain the standing 35 U.S.C. § 102(b) rejection of independent claim 11, and dependent claim 13, as being anticipated by Fontaine.

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SUMMARY

The decision of the examiner to reject claims 11 and 13  
is reversed.

REVERSED

IRWIN CHARLES COHEN	)	
Administrative Patent Judge	)	
	)	
	)	BOARD OF PATENT
	)	
	)	APPEALS AND
JOHN P. MCQUADE	)	
Administrative Patent Judge	)	INTERFERENCES
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JENNIFER D. BAHR	)	
Administrative Patent Judge	)	

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