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. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TADAHIRO IGAWA

Appeal No. 2002-0345
Application No. 09/177,655

ON BRIEF

Before COHEN, STAAB, and NASE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 7, 9, and 10. These claims constitute all of the claims remaining in the application.

Appellant's invention pertains to a passenger-side airbag device. A basic understanding of the invention can be derived from a reading of exemplary claim 7, a copy of which appears in attachment to the main brief (Paper No. 17).

As evidence of anticipation, the examiner has applied the document specified below:

Orsulak et al. (Orsulak)	5,636,861	Jun. 10, 1997

The following rejection is before us for review.

Claims 7, 9, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Orsulak.

The full text of the examiner's rejection and response to the argument presented by appellant appears in the final rejection and the answer (Paper Nos. 18 and 20), while the complete statement of appellant's argument can be found in the main, supplemental, and reply briefs (Paper Nos. 17, 19, and 21).

Appellant indicates that the grouping of claims is not applied (Paper Nos. 17 and 21), which we comprehend to mean that all claims on appeal stand or fall together. Thus, we select independent claim 7 for review, with dependent claims 9 and 10 standing or falling therewith; 37 CFR § 1.192(c)(7).

OPINION

In reaching our conclusion on the anticipation issue raised in this appeal, this panel of the board has carefully considered appellant's specification and claims, the applied patent to Orsulak, and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

We sustain the anticipation rejection of claim 7, and likewise the rejection of claims 9 and 10, which latter claims stand or fall with claim 7 as earlier noted.

Anticipation under 35 U.S.C. § 102(b) is established only when a single prior art reference discloses, either expressly or under principles of inherency, each and every element of a claimed invention. See In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990); and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). However, the law of

anticipation does not require that the reference teach specifically what an appellant has disclosed and is claiming but only that the claims on appeal "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

As acknowledged by appellant (supplemental appeal brief, page 4), the examiner read claim 7 on the Orsulak reference in the final office action dated January 12, 2001 (Paper No. 18). Like the examiner, we readily perceive that those skilled in the air bag art would understand the passenger-side airbag device of claim 7 to be readable on the air bag module of Orsulak. As explained, infra, appellant does not specify particular language of claim 7 itself which is not readable on the Orsulak patent.

The arguments advanced by appellant in the supplemental appeal brief (Paper No. 19) and the reply brief (Paper No. 21) fail to persuade us that the content of claim 7 on appeal is not anticipated by the Orsulak patent. For the most part, appellant's focus and reference to the invention seems to be

addressed to differences between the disclosed invention and the teaching of Orsulak. However, it is the specific language of claim 7 that is at issue in this appeal; language not particularly discussed by appellant. The sole specific argument (supplemental appeal brief, page 4) mentioning claim 7 asserts that, as to Orsulak, "the second section is not ejected when the inflator is actuated, as defined in claim 7." However, appellant does not refer us to the specific corresponding and defining language in claim 7. Nevertheless, as quite appropriately brought to appellant's attention by the examiner (answer, page 4), Figures 2 and 6 of Orsulak clearly reveal that the second section 80 (bulk portion) is ejected from the housing (container) 38 when the inflator (gas generator) 32 is actuated. The narrative discussion of appellant's disclosure in the briefs vis-a-vis the reference teaching, as earlier noted, simply does not alter the circumstance that the language of claim 7 is readable on the Orsulak patent and, thus, anticipated thereby.

In summary, this panel of the board has sustained the rejection of claims 7, 9, and 10.

The decision of the examiner 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

IRWIN CHARLES COHEN Administrative Patent Judge	)	
LAWRENCE J. STAAB Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JEFFREY V. NASE Administrative Patent Judge	)	

ICC/lbg

KANESAKA AND TAKEUCHI
1423 POWHATAN STREET
ALEXANDRIA, VA 22314