

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DEJAN RADOSAVLJEVIC and KENNETH VOUGHT

Appeal No. 2004-1575
Application No. 09/732,120

ON BRIEF

Before KIMLIN, GARRIS and WALTZ, Administrative Patent Judges.
KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-6, all of the claims in the present application.

Claim 1 is illustrative:

1. A slide switch for a circuit on a circuit board, comprising:

a housing connected to said circuit board;

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a glider slidably fitting inside said housing with a portion of said glider extending outside said housing;

at least one contact spring connected to said glider;

said at least one contact spring oriented in a direction substantially parallel to a direction of travel of said glider in said housing;

said at least one contact spring having a projection extending away from said glider;

said circuit board including a plurality of contacts on one side thereof, said plurality of contacts being arranged in at least one row extending substantially in said orientation direction of said at least one contact spring; and

said plurality of contacts being spaced apart such that said projection of said at least one contact spring forms a detent fit in a space between each pair of adjacent contacts in said at least one row, and a portion of each said at least one contact spring makes electrical contact with said pair of adjacent contacts when said projection forms said detent fit, thereby forming an electrical connection between said pair of adjacent contacts in said at least one row.

In the rejection of the appealed claims, the examiner relies upon the following references:

Hanna	5,293,103	Mar. 08, 1994
Takano	5,365,028	Nov. 15, 1994

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Appellants' claimed invention is directed to a slide switch comprising a housing that is connected to a circuit board. The switch comprises, inter alia, at least one contact spring connected to a slidable glider, with the at least one contact spring forming a detent fit in a space between a pair of adjacent contacts on the circuit board. As such, the fitted contact spring forms an electrical connection between a pair of adjacent contacts on the circuit board. According to appellants, the slide switch finds utility in removing "the humming noise produced by a ceiling fan unit" (page 1 of specification, first paragraph).

Appealed claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as anticipated by Takano. Claims 3-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takano in view of Hanna.

We have thoroughly reviewed the respective positions advanced by appellants and the examiner. As a result, we find ourselves in agreement with the appellants that the examiner's rejections are not well-founded. Accordingly, we will not sustain the examiner's § 102 and § 103 rejections.

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The central issue on appeal is whether Takano describes, within the meaning of § 102, the claimed circuit board that is connected to a slide switch. It is the examiner's position that feature 10d of Takano's figure 3 meets the requirement of a circuit board. We concur with appellants, however, that element 10d, which Takano describes as "a bottom plate" of the housing 10 of the slide switch, does not qualify as a circuit board, as the phrase would be understood by one of ordinary skill in the art. (See Takano at column 4, lines 17-22). We do not subscribe to the examiner's reasoning that bottom plate 10d of Takano is a circuit board because the plate "is a board and it supports portions (i.e. contacts and leads) of a circuit" (page 4 of answer, first paragraph). Rather, we agree with appellants that bottom plate 10d of Takano does not perform a basic function of a printed circuit, namely, to transmit electricity in a complete circuit. Indeed, as noted by appellants, Takano expressly states that the disclosed slide switch is designed to be connected to external circuits. In relevant part, Takano discloses that "one end of the conductors 18 will extend from the housing 10 and thus provide a means by which the slide switch can be coupled

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operatively to external electrical circuits" (column 4, lines 46-49). Significantly, we find that the examiner has presented no evidence to refute appellants' reasonable argument that one of ordinary skill in the art would understand that "the primary purpose of any circuit board, wire wrap of [sic, or] printed, is to mount and interconnect a collection of electronic components that comprise an electronic circuit" (page 6 of principal brief, second paragraph). The examiner has not shouldered the burden of establishing that one of ordinary skill in the art would accept her broad definition of circuit board to include only a board that "supports portions (i.e. contacts and leads) of a circuit" (page 4 of answer, first paragraph). Particularly, the examiner has not demonstrated that one of ordinary skill in the art would interpret bottom plate 10d of Takano as a circuit board.

Hanna, cited by the examiner in the § 103 rejection of claims 3-6, does not remedy the basic deficiency of Takano outlined above.

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In conclusion, based on the foregoing, the examiner's decision rejecting the appealed claims is reversed.

REVERSED

EDWARD C. KIMLIN)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
BRADLEY R. GARRIS)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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THOMAS A. WALTZ)	
Administrative Patent Judge)	

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