

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 DICK LEE KNOX

Appeal No. 2005-0141
Application No. 09/656,683

HEARD: FEBRUARY 23, 2005

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

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 14, all of the claims in the application. At the oral hearing, James E. Bradley (counsel for appellant) requested that the appeal be dismissed as to claims 12 through 14. The request followed a discussion at the hearing of appellant's grouping together of claims 1 through 3, 5 through 9, and 11 through 13 (main brief, page 3). We pointed out that in selecting a claim for review, we would consider selecting the broadest claim of the grouping, i.e., independent claim 12 drawn to a bearing assembly

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per se as compared to narrower claims of the grouping, i.e., independent claim 1 (and independent claim 8) which respectively set forth an electric motor including a bearing body and a (metallic) coiled member. As per the request, the appeal as to claims 12 through 14 is dismissed, and the only claims before us for review are claims 1 through 11.¹

Appellant's invention pertains to an elongated electric motor. A basic understanding of the invention can be derived from a reading of exemplary claims 1 and 8, respective copies of which appear in "APPENDIX 1" of the main brief filed August 5, 2002.

As evidence of obviousness, the examiner has applied the documents listed below:

Nogle	3,485,540	Dec. 23, 1969
Beavers et al. (Beavers)	4,119,874	Oct. 10, 1978
Balsells	4,890,937	Jan. 2, 1990
Ide	5,436,515	Jul. 25, 1995

¹ In light of the dismissal, reference to claims 12 through 14 has been removed from the statement of the examiner's rejections and appellant's claim groupings, infra.

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The following rejections are before us for review.

Claims 1, 3, 6, and 7 stand rejected under 35 U.S.C.
§ 103(a) as being unpatentable over Beavers in view of Balsells.

Claims 2, 5, 8, 9, and 11 stand rejected under 35 U.S.C.
§ 103(a) as being unpatentable over Beavers in view of Balsells,
as applied to claim 1 above, further in view of Nogle.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being
unpatentable over Beavers in view of Balsells, as applied to
claim 1 above, further in view of Ide.

Claim 10 stand rejected under 35 U.S.C. § 103(a) as being
unpatentable over Beavers in view of Balsells and Nogle, as
applied to claims 8 and 12 above, further in view of Ide.

The full text of the examiner's rejections and response to
the argument presented by appellant appears in the answer mailed
October 1, 2002, while the complete statement of appellant's
argument can be found in the main brief filed August 5, 2002 and
the reply brief filed October 10, 2002.

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In the main brief (page 3), appellant establishes claims 1 through 3, 5 through 9, and 11 as one group and claims 4 and 10 as another group, and suggests that we select claims 1 and 4 for review from the respective groups. This panel of the Board selects claims 1 and 4 for consideration, infra, with the remaining claims of each grouping standing or falling with the selected claim of the grouping.

OPINION

In reaching our conclusion on the obviousness issues raised in this appeal, this panel of the Board has carefully considered appellant's specification and claims, the applied teachings,² and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

² In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the Board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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We cannot sustain the respective obviousness rejections of appellant's claims for the reasons given below.

Independent claim 1 addresses an elongated electric motor that includes a stationary bearing body with a cavity, and a coiled member contained in the cavity having an outer portion that frictionally engages an inner wall of a stator, preventing rotation of the bearing body and stabilizing a rotatable shaft installed within the stator.³ Claim 4 recites a coiled spring that comprises a plurality of coiled member segments that are spaced apart from each other.

As recognized by the examiner (answer, page 4), the patent to Beavers teaches an elongated electric motor with a corrugated spring member, not a coiled member, mounted in a cavity. To overcome the deficiency of Beavers, the examiner proffers the Balsells patent. However, like appellant (main brief, pages 3 and 4 and reply brief, pages 2 and 4), we readily perceive that

³ We note that independent claim 8, akin to independent claim 1, sets forth an elongated electric motor that includes a stationary bearing body and a metallic coiled member with an outer portion that frictionally engages an inner wall of a stator, preventing rotation of the bearing body and stabilizing a rotatable shaft installed within the stator.

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Balsells discloses a cartridge bearing for reciprocating shafts wherein a spring 22 causes a tubular bearing element 12 and shaft 16 to float within a surrounding housing 30 (Fig. 1). Thus, Balsells neither relates to rotatable shafts nor a coil spring that prevents rotation of a bearing body. Accordingly, as we see it, one having ordinary skill in the art would not have derived a suggestion from the Balsells' teaching for replacing the corrugated spring member of Beavers with a coiled member. It is for this reason that the rejection of claim 1 cannot be sustained. We have also reviewed the other two references applied by the examiner. However, we find that the Nogle reference (coil spring 30, 34 for resiliently maintaining concentric alignment in a self-aligning bearing) and the Ide patent (a plurality of spaced wheels provide for inhibiting rotation of a bearing relative to a stator, Fig. 2, or a structural spring configuration provided by cantilever beam-like extensions 42 and feet 43 inhibit rotation, Fig. 13) also would not have been suggestive of a coiled spring for preventing rotation of a bearing body. As to claim 4, in particular, it is quite clear to us that the Ide teaching of spaced wheels would not have been suggestive of a plurality of spaced apart coiled

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member segments to one having ordinary skill in the art. Thus, the rejection of claim 4 is not sound and cannot be sustained.

In summary, this panel of the Board has not sustained any of the examiner's respective obviousness rejections of appellant's claims.

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JEFFREY V. NASE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JENNIFER D. BAHR)	
Administrative Patent Judge)	

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James E. Bradley
Bracewell & Patterson, L.L.P.
P.O. Box 61389
Houston, TX 77208-1389