

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte TRAVIS G. LOYD

Appeal No. 2005-0194
Application No. 09/867,859

ON BRIEF

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

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-18, which are all of the claims pending in this application.

We AFFIRM.

BACKGROUND

The appellant's invention relates to a system and process for supplying power to a marine vessel comprising a retractable cord for conveying power for charging on-

board batteries (specification, page 1). A copy of the claims under appeal is set forth in the appendix to the appellant's brief.

The examiner relied upon the following prior art references of record in rejecting the appealed claims:

Neidenberg	3,604,381	Sep. 14, 1971
Race	3,769,926	Nov. 6, 1973
Nilssen	5,510,694	Apr. 23, 1996
Edwards et al. (Edwards)	5,671,833	Sep. 30, 1997
McNaught	5,803,216	Sep. 8, 1998
Rubin	5,816,870	Oct. 6, 1998
Davidson	6,263,825	Jul. 24, 2001

(filed Feb. 1, 1999)

The following rejections are before us for review.

Claims 1-3, 9, 10, 13 and 16-18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rubin in view of Neidenberg.

Claims 4 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rubin in view of Neidenberg and Davidson.

Claim 6 stands rejected under 35 U.S.C. § 103 as being unpatentable over Rubin in view of Neidenberg and Nilssen.

Claims 7, 8, 14 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rubin in view of Neidenberg and Race.

Claims 11 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rubin in view of Neidenberg, McNaught and Edwards.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the supplemental answer (Paper No. 16) for the examiner's complete reasoning in support of the rejections and to the brief (Paper No. 13) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

Rubin discloses an electric drive system for a boat and, more particularly, for sailboats. The drive system includes battery chargers 6, 9 and batteries 4, 8 housed on the boat, with the battery chargers being connected to shore power through a shore power connector 5. Rubin does not disclose the details of the connection between the battery chargers and shore power and thus lacks the retractable cord device called for in independent claims 1 and 13.¹

Neidenberg discloses a device for handling heavy-duty power cables to facilitate their storage when not in use and, more particularly, to a device for handling power cables employed to connect a power system of a boat to shore facilities while storing

¹ We find it implausible, however, that one of ordinary skill in the art would not have immediately envisaged a power cord for connection to shore power.

the cable during nonuse. The device includes a storage compartment 12 arranged within the boat and means for driving the cable into and out of the compartment according to the necessity of periodically connecting same to a stationary power source, the cable driving device comprising a large main drive roller 25 driven by a reversible electric motor 27. One end of the cable is permanently attached to a junction box on the boat, while the other end includes a suitable electrical coupling 20 for connection to a shore power outlet.

We agree with the examiner that it would have been obvious to one of ordinary skill in the art at the time of appellant's invention to provide a retractable power cable and power cable handling device as taught by Neidenberg on Rubin's boat to connect Rubin's battery chargers to shore power as disclosed by Rubin and illustrated in Figures 1 and 2 thereof when needed and to facilitate storage of such cable when not in use. We appreciate appellant's arguments on pages 8 and 9 of the brief that Rubin does not disclose a cord and Neidenberg does not disclose batteries. We see nothing in these aspects of the references, however, which leads us to believe that one of ordinary skill in the art would have overlooked the evident advantages and applicability of Neidenberg's power cable handling device on Rubin's boat for facilitating connection to and disconnection from shore power and storage of the cable when not in use.

Appellant points out on page 9 of the brief that Neidenberg issued in 1971, approximately 30 years prior to the filing of appellant's application, and that the fact that, in that time span, no one combined a battery, battery charger and retractable cord is

additional evidence that the claimed invention is not obvious over the prior art. However, it is well established that the mere age of the references is not persuasive of the unobviousness of the combination of their teachings, absent evidence that, notwithstanding knowledge of the references, the art tried and failed to solve the problem. In re Wright, 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977); In re Neal, 481 F.2d 1346, 1347, 179 USPQ 56, 57 (CCPA 1973); In re McGuire, 416 F.2d 1322, 1327, 163 USPQ 417, 421 (CCPA 1969), cert. denied, 397 U.S. 989 (1970). Appellant has provided no such evidence in this case.

We also affirm the rejections of claims 4 and 5 as being unpatentable over Rubin in view of Neidenberg and Davidson, claim 6 as being unpatentable over Rubin in view of Neidenberg and Nilssen, claims 7, 8, 14 and 15 as being unpatentable over Rubin in view of Neidenberg and Race and claims 11 and 12 as being unpatentable over Rubin in view of Neidenberg, McNaught and Edwards since the appellant has not challenged such with any reasonable specificity (see In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d 1525, 1528 (Fed. Cir. 1987)).

CONCLUSION

To summarize, the decision of the examiner to reject claims 1-18 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

IRWIN CHARLES COHEN
Administrative Patent Judge

JOHN P. MCQUADE
Administrative Patent Judge

JENNIFER D. BAHR
Administrative Patent Judge

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