UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTIAN NEUMANN and RALF SCHMIDT

Appeal No. 2005-1194
Application No. 10/110,115

ON BRIEF

Before HAIRSTON, GROSS and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 12 through 20.

The disclosed invention relates to a measuring device for contactless detection of an angle of rotation or a torsional rotation of a rotating element.

Claim 12 is the only independent claim on appeal, and it reads as follows:

> 12. A measuring device for contactless detection of an angle of rotation or a torsional rotation of a rotating element (10), including a first resonator (2), a second resonator (4), an exciter device (6), and a receiver device (6), wherein the resonators (2, 4) have an essentially circular circumference, and there is at least one protrusion and/or one recess on the essentially circular circumference, wherein the resonators (2, 4) are coplanar to one another and rotatable relative to one another, and at least one resonator is connected to the rotating element (10).

The reference relied on by the examiner is:

Kishimoto	6,084,416	Jul. 4, 2000

Claims 12 through 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kishimoto.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kishimoto.

Reference is made to the final rejection, the brief and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the anticipation rejection of claims 12 through 19, and sustain the obviousness rejection of claim 20.

Anticipation is established when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of the claimed invention. RCA

Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.), cert. dismissed, 468 U.S. 1228 (1984).

The examiner is of the opinion (final rejection, page 2) that Kishimoto discloses resonators 26 and 30 that "have an essentially circular circumference and are coplanar to one another and rotatable relative to one another, and at least one resonator is connected to the rotating element (12) (see Figs. 5-6 and cols. 3-4)." Appellants argue (brief, page 6) that Kishimoto discloses one circular resonator and another resonator formed as a bar. In response, the examiner states (answer, page 6) that:

> The [appellants'] argument is not deemed to be persuasive because: **(1)** Kishimoto does teach two resonators (26, 30) have an essentially circular circumference and that at least one protrusion and/or one recess is provided on the essentially circular circumference (see Figs. 5-6). Especially, in column 3, lines 51-67, Kishimoto clearly teaches a doughnut shaped printed circuit board or resonator (30) and a disc type printed circuit board or resonator (26), on which a conductive pattern (28, 14) is formed. Therefore, Kishimoto does teach two resonators having a circular configuration; and **(2)** the brief argument has narrow[ed] down the teaching of Kishimoto by pointed [sic, pointing] out that the resonator 14 or 28 is formed as a bar. However, the conductive pattern 28 or 14 is formed as a part of the disc type printed circuit board or resonator (26) (see col. 3, lines 51-67).

We agree with the examiner's assessment of the teachings of Kishimoto. The first resonator structure includes the conductive bar pattern (28, 14) mounted on the circular printed circuit board 26, and the second resonator structure includes the circular conductive pattern 32 mounted on the circular printed circuit board 30. According to appellants' disclosure (specification, page 6, lines 29 through 33), each of their resonators comprises a printed circuit board with a metallization applied thereon. Thus, we find that the resonators disclosed by Kishimoto do not differ from the disclosed and claimed resonators. To the extent that the disclosed and claimed resonators are coplanar[1], the resonators in Kishimoto are coplanar.

In summary, the anticipation rejection of claims 12 through 19 is sustained.

The obviousness rejection of claim 20 is sustained because appellants have not presented any patentability arguments for this claim apart from the arguments presented for claim 12.

[1] The disclosed and claimed resonators are not coplanar because they do not lie in the same plane.

DECISION

The decision of the examiner rejecting claims 12 through 19 under 35 U.S.C. § 102(b) is affirmed, and the decision of the examiner rejecting claim 20 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

KENNETH W. HAIRSTON Administrative Patent Judge	)	
ANITA PELLMAN GROSS Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
LANCE LEONARD BARRY Administrative Patent Judge	)	

KWH/hh

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