The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 GERARD JAY BELLASALMA, JOON TAEK KIM,
and LLOYD RAMSEY

Appeal No. 2005-1262
Application No. 09/864,809

ON BRIEF

Before FRANKFORT, MCQUADE, and NASE, Administrative Patent Judges.

Per curiam

DECISION ON APPEAL

Gerard Jay Bellasalma et al. originally took this appeal from the final rejection (mailed March 18, 2003) of claims 1 through 22 and 26 through 31. Since then, the appellants have canceled claims 13 and 15, and the examiner has withdrawn all rejections of claims 11, 22, 27 and 29 which currently stand objected to as depending from rejected claims. Hence, the appeal now involves claims 1 through 10, 12, 14, 16 through 21, 26, 28, 30 and 31.

THE INVENTION

The invention relates to “a molding system, and more particularly to a valve assembly which suppresses an initial surge of a fluid material component from a feed assembly” (specification, page 1). Representative claims 1 and 17 read as follows:

1. A valve assembly for a mix head assembly of a molding system comprising:

a mix head comprising an inlet to a mixer section and an outlet from said mixer section;

an input port to a passage;

a plurality of sequentially activatable valves communicating with said passage to selectively suppress a flow of fluid through said passage; and

an output port from said passage to said mix head.

17. A molding system comprising:

a mix head comprising an inlet to a mixer section and an outlet from said mixer section;

an input port to a passage, said input port communicating with a feed assembly;

a plurality of sequentially activatable valves each defining a longitudinal axis, each of said plurality of sequentially activatable valves include an opening transverse to the longitudinal axis and alignable with said passage to selectively suppress a flow of fluid through said passage;

a bias adjacent each of said plurality of sequentially activatable valves to bias said valve toward an open position;

an actuator to selectively activate each of said plurality of sequentially activatable valves; and

an output port from said passage, said output port communicating with said mix head.

THE PRIOR ART

The references relied on by the examiner to support the final rejection are:

Paulson	887,120	May 12, 1908
Larsen	1,196,121	Aug. 29, 1916

THE REJECTIONS

Claims 1 through 7, 17 through 19, 26, 28, 30 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Larsen.

Claims 8 through 10, 12, 14, 16, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Larsen.

Claims 1 through 5, 7 through 10, 12, 14, 16 through 21, 26, 28, 30 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Paulson.

Attention is directed to the main and reply briefs (filed March 22, 2004 and July 30, 2004) and the answer (mailed May 28, 2004) for the respective positions of the appellants and examiner

regarding the merits of these rejections.[1]

Discussion

I. The 35 U.S.C. § 102(b) rejection of claims 1 through 7, 17 through 19, 26, 28, 30 and 31 as being anticipated by Larsen

Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. V. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). In other words, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Research Found. V. Genentech Inc., 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Larsen discloses "a pressure regulating valve interposed in [a] pipe supplying actuating fluid to [a] pump which will automatically cut off the supply of motive fluid upon a sudden reduction of pressure in the tank or reservoir . . . and whereby the supply of the motive fluid will be automatically varied and

[1] The final rejection also included a 35 U.S.C. § 112, first paragraph, rejection of claims 1 through 12, 14, 16 through 22 and 26 through 31, and a 35 U.S.C. § 112, second paragraph, rejection of claims 27 and 29. Upon reconsideration, the examiner has withdrawn these rejections (see page 3 in the answer).

controlled" (page 1, lines 19 through 26).

Independent claim 1 recites a valve assembly for a mix head assembly of a molding system comprising, inter alia, a mix head comprising an inlet to a mixer section and an outlet from the mixer section. In rejecting claim 1, the examiner finds that Larsen "discloses a valve assembly comprising a mix head (6,5 the bottom one in Fig.3) comprising an inlet to and outlet from a mix section" (answer, page 4). Larsen actually teaches that "5 designates [a] steam supply pipe which is made up of a plurality of pipe sections coupled together as indicated at 6" (page 1, lines 51 through 54). Nonetheless, the examiner submits that "[m]ixing could take place in this structural element, for example, if an inhomogeneous fluid were flowing therethrough and became more homogeneous therein through diffusion" (answer, pages 8 and 9).

The examiner's position here is unsound. Even accepting the examiner's conjecture that mixing could take place in Larsen's steam supply pipe 5, a person of ordinary skill in the art would not view this pipe as a mix head of the sort recited, however broadly, in claim 1.

Independent claim 17 recites a molding system comprising, inter alia, a mix head comprising an inlet to a mixer section and

an outlet from the mixer section. As is the case above with respect to claim 1, examiner's finding that Larsen's steam pipe 5 constitutes such a mix head is untenable.

Accordingly, we shall not sustain the standing 35 U.S.C. § 102(b) rejection of independent claims 1 and 17, and dependent claims 2 through 7, 18, 19, 26, 28, 30 and 31, as being anticipated by Larsen.

II. The 35 U.S.C. § 103(a) rejection of claims 8 through 10, 12, 14, 16, 20, and 21 as being unpatentable over Larsen

In addition to not disclosing a valve assembly or molding system comprising a mix head as recited in independent claims 1 and 17, Larsen would not have suggested same to a person having ordinary skill in the art.

Accordingly, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of dependent claims 8 through 10, 12, 14, 16, 20, and 21 as being unpatentable over Larsen.

III. The 35 U.S.C. § 102(b) rejection of claims 1 through 5, 7 through 10, 12, 14, 16 through 21, 26, 28, 30 and 31 as being anticipated by Paulson

Paulson discloses a cornet comprising a mouth pipe 21, three crooks 10, 11 and 12, three spring-biased, finger-actuatable

valve assemblies 15 through 20, and a bell pipe 30.

In applying Paulson against independent claims 1 and 17, the examiner finds that the above discussed mix head limitations in these claims are met by the bell pipe 30 of Paulson's cornet. In short, a person of ordinary skill in the art would not view the bell pipe of a cornet as a mix head of the sort recited.

Accordingly, we shall not sustain the standing 35 U.S.C. § 102(b) rejection of independent claims 1 and 17, and dependent claims 2 through 5, 7 through 10, 12, 14, 16, 18 through 21, 26, 28, 30 and 31, as being anticipated by Paulson.

Summary

The decision of the examiner to reject claims 1 through 10, 12, 14, 16 through 21, 26, 28, 30 and 31 is reversed.

REVERSED

CHARLES E. FRANKFORT Administrative Patent Judge	)	
JOHN P. MCQUADE Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JEFFREY V. NASE Administrative Patent Judge	)	

JPM/gjh

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