

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 JOHN E. RODE

Appeal No. 2006-0106
Application 10/133,602

ON BRIEF

Before FRANKFORT, LEVY and NAPPI, *Administrative Patent Judges*.

FRANKFORT, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 9, the only claims remaining in the application. Claims 10 through 33 have been cancelled.

Appellant's invention relates to an interlocking disc spring assembly comprising at least first and second conically-shaped disc springs which are stacked one on the other and interlocked together. See, for example, Figure 1 of the application drawings. Independent claim 1 is representative of the subject matter on appeal and a copy of that claim can be found in the Appendix attached to appellant's brief.

The prior art references relied upon by the examiner in rejecting the appealed claims are:

Appeal No. 2006-0106
Application 10/133,602

Hay
Eickmann
(German Patent)¹

2,162,719
3635156

Jun. 20, 1939
Apr. 23, 1987

Claims 1 through 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eickmann.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Eickmann in view of Hay.

Rather than reiterate the examiner's full statement of the above-noted rejections and the conflicting viewpoints advanced by appellant and the examiner regarding those rejections, we make reference to the answer (mailed July 11, 2005) for the examiner's reasoning in support of the rejections, and to appellant's brief (filed April 29, 2005) and reply brief (filed September 14, 2005) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellant's specification and claims, to the applied prior art references, and to the respective positions

¹ Our understanding of this foreign language document is by way of an English translation obtained by the USPTO. A copy of the translation was forwarded to appellant by the examiner.

articulated by appellant and the examiner. As a consequence of our review, we have made the determinations which follow.

Turning first to the rejection of claims 1 through 8 under 35 U.S.C. § 102(b) as being anticipated by Eickmann, we note that the examiner's statement of this rejection is found on pages 3-5 of the answer. The examiner specifically directs us to Figure 5 of Eickmann. Essentially, the examiner in reading claims 1 through 8 on the cup spring pump assembly of Eickmann's Figure 5 has "interpreted" the outer sealing ring (525) as being part of a first conical cup spring (501) and the inner sealing ring (524) as being part of a second conical cup spring (501). See page 4 of the answer for an annotated showing of the examiner's reading of the claims on appeal on Eickmann's Figure 5.

For the reasons set forth on pages 4-6 of the brief and in the reply brief, we agree with appellant that Eickmann does not anticipate the interlocking disc spring assembly defined in claims 1 through 8 on appeal. Simply stated, the sealing rings (524, 525) placed in sealing seats on the cup springs (501) of Eickmann's pump assembly do not form part of one or the other of the cup springs (501). As is clear from viewing Figure 5 of Eickmann, the upwardly-extending and downwardly-depending portions of the stacked cup springs disclosed therein merely engage one another at a horizontal interface, which interface is bridged on the inner, pump chamber

Appeal No. 2006-0106
Application 10/133,602

side by a separate sealing ring (524) and on the outer side by a separate sealing ring (525). There is no interlocking relationship like that set forth in claims 1 through 8 on appeal between the cup springs (501) of Eickmann.

For the above reasons, we will not sustain the examiner's rejection of claims 1 through 8 under 35 U.S.C. § 102(b) as being anticipated by Eickmann.

As for the examiner's rejection of dependent claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Eickmann in view of Hay, we have reviewed the patent to Hay and find nothing therein that provides for or overcomes the deficiencies in Eickmann noted above. Thus, the rejection of claim 9 will likewise not be sustained.

Appeal No. 2006-0329
Application 09/839,037

In light of the foregoing, the decision of the examiner rejecting claims 1 through 8 under 35 U.S.C. § 102(b) and claim 9 under 35 U.S.C. § 103(a) is reversed.

REVERSED

CHARLES E. FRANKFORT)
Administrative Patent Judge)
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STUART S. LEVY) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES
)
ROBERT E. NAPPI)
Administrative Patent Judge)

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Appeal No. 2006-0106
Application 10/133,602

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