

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for publication and is not binding precedent of the Board.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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte WILLIAM MORGAN WILKERSON

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Appeal No. 2006-0122  
Application No. 10/094,526

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ON BRIEF

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Before FRANKFORT, McQUADE and BAHR, Administrative Patent Judges.  
McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

William Morgan Wilkerson, Jr., acting pro se, appeals from the  
final rejection (mailed July 23, 2004) of claims 4-20, all of the  
claims pending in the application.

THE INVENTION

The invention relates to a wheeled carriage for a rotary-head lawn trimmer. Representative claim 4 reads as follows:

4. A lawn trimmer carriage for rolling movement on an underlying surface, said carriage comprising, in combination:

mounting means for removable attachment of a lawn trimmer to an underlying support base, and

a support base for carrying a lawn trimmer attached to said support base by said mounting means, said support base having a plurality of parallel ground engaging wheels spaced apart on a linear axis of rotation, wherein said linear axis of rotation is perpendicular to the direction of travel of said support base, and wherein said linear axis of rotation of said wheels is positioned under the center of gravity of said support base with a lawn trimmer attached thereto, whereby the weight of said support base with a lawn trimmer attached thereto may be substantially and pivotally balanced above said linear axis of rotation of said wheels by the user for trimming, and

handling means coupled to said support base, said handling means being adapted for allowing the user to maneuver said support base over the ground, and

remote motor control means for remotely controlling the motor of a lawn trimmer attached to said support base, and

parking means for securing said support base in a stationary position on an underlying surface when said support base is rotated backwards about the rotational axis of said wheels.

THE PRIOR ART

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

Douglas	4,261,596	Apr. 14, 1981
Quillen	4,936,886	Jun. 26, 1990
Moore et al. (Moore)	6,009,694	Jan. 04, 2000

THE REJECTION

Claims 4-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Quillen in view of Moore and Douglas.

Attention is directed to the main and reply briefs (filed February 25, 2005 and July 18, 2005) and answer (mailed May 19, 2005) for the respective positions of the appellant and examiner regarding the merits of this rejection.

DISCUSSION

Quillen, the examiner's primary reference, discloses a wheel-mounted string trimmer comprising a trimmer head 54, a gasoline engine 40 for operating the trimmer head through a drive shaft 52 disposed within a tubular housing 50, a supporting yoke 18, 20, a clamp assembly (see Figure 7) connecting the tubular housing to the top of the yoke, a pair of wheels 12 on a horizontal axle 14 coupled to the bottom of the yoke, upper and lower handles 24, 22 connected to the yoke above the wheels, and a throttle control 38

mounted on the upper handle and operatively connected to the trimmer engine by a cable 39.

As conceded by the examiner (see page 3 in the answer), Quillen does not respond to the limitation in independent claim 4, or the corresponding limitations in independent claims 10 and 16, requiring a parking means or member for securing the support base in a stationary position on an underlying surface when the support base is rotated backwards about the rotational axis of the wheels.

To cure this shortcoming, the examiner turns to Moore and Douglas.

Moore discloses a wheeled carriage 10 for a grass trimmer 11 wherein the carriage includes a kick-stand 22 which can be pivoted downwardly to engage the ground and hold the carriage in an upright position. As shown in Figure 1, the kick-stand, when deployed, extends outwardly from one side of the carriage.

Douglas discloses a wheeled utility cart 20 having a U-shaped leg 49 connected to the rear of the cart behind wheels W. As illustrated in Figure 2, the cart can be rotated backwardly about the axis of the wheels until the leg engages the ground to hold the cart in an upright stationary position.

In proposing to combine Quillen, Moore and Douglas to reject claims 4, 10 and 16, the examiner submits that

[g]iven the teaching in Moore et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lawn trimmer carriage of Quillen with a parking means as in Douglas, in order to hold the trimmer upright to easily service the trimmer [answer, pages 3-4].

The combined teachings of these references, however, give no indication that the addition of a support leg of the sort disclosed by Douglas to the wheeled trimmer of Quillen would facilitate servicing the trimmer. Moreover, the examiner's implicit assertion that such a modification would in fact facilitate servicing is unduly speculative. Douglas' utility cart and Quillen's wheeled trimmer differ significantly in terms of their respective structures and functions. The examiner essentially admits to the disparate natures of these devices by having to rely on Moore as a teaching reference to justify the proposed combination of the two.

Moore, however, falls short in this regard. Although Moore arguably would have suggested adding a kick-stand of the sort described therein to Quillen's wheeled trimmer to hold the trimmer in an upright position (which would not result in the recited

parking means or member), Moore would not have furnished the artisan with any motivation to consider the cart supporting leg disclosed by Douglas for this purpose. The only suggestion for combining Quillen, Moore and Douglas in the manner proposed by the examiner stems from hindsight knowledge impermissibly derived from the appellant's disclosure.

The rejection of claims 4, 10 and 16 is further flawed in that it rests on an unsupported finding by the examiner (see page 3 in the answer) that Quillen's wheeled trimmer meets the limitation in claim 4, and the corresponding limitations in claims 10 and 16, requiring the linear axis of rotation of the wheels to be positioned under the center of gravity of the support base with a lawn trimmer attached whereby the weight of the support base and lawn trimmer may be substantially and pivotally balanced above the linear axis of rotation by the user for trimming. Quillen is silent on this matter and the examiner's rationale (see page 4-6 in the answer) as to why Quillen's drawings show same is completely conjectural.

For these reasons, the combined teachings of Quillen, Moore and Douglas fail to establish a prima facie case that the differences between the subject matter recited in claims 4, 10 and 16 and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art.<sup>1</sup> Therefore, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of independent claims 4, 10 and 16, and dependent claims 5-9, 11-15 and 17-20, as being unpatentable over Quillen in view of Moore and Douglas.

SUMMARY

The decision of the examiner to reject claims 4-20 is reversed.

REVERSED

CHARLES E. FRANKFORT )  
Administrative Patent Judge )  
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JOHN P. McQUADE ) BOARD OF PATENT  
Administrative Patent Judge ) APPEALS  
 ) AND  
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<sup>1</sup> This being so, we find it unnecessary to go into the merits of what is purported by the appellant (see page 4 in the main brief) to be an affidavit establishing that the claimed invention produces unexpected results (the alleged affidavit consists of selected pages from papers filed November 12, 2003 and May 7, 2004, copies of which are appended to the main brief).

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JENNIFER D. BAHR  
Administrative Patent Judge )

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**Comment [jvn1]:** Type address

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