

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 LARRY HUGHES

Appeal No. 2006-1845
Application No. 10/350,875

ON BRIEF

Before OWENS, CRAWFORD and LEVY, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from a rejection of claims 1-6, 8 and 9.

Claim 7 has been canceled and claims 10 and 11 have been indicated allowable.

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THE INVENTION

The appellant claims a decontamination facility having a single drain that runs substantially the length of an interior space. Claim 1 is illustrative:

1. A decontamination facility comprising:

at least one interior wall; the interior wall being seamless; the interior wall defining an interior space;

a single drain; the drain running substantially the length of the interior space; and,

a waste-water tank connected to the drain for holding waste water from the decontamination areas.

THE REFERENCES

References relied upon by the examiner

Letner 4,777,675 Oct. 18, 1988

Web pages from Advanced Containment Systems Inc. (ASCI),
<http://www.acsi-us.com/html>, ten pages, four of which are dated October 3, 2002, and the others of which are undated.

Reference relied upon by the appellant

Web pages from Advanced Containment Systems Inc.,
<http://www.asci-us.com>, four pages, two of which are dated March 24, 2004, and the others of which are undated.

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THE REJECTIONS

Claims 1-6, 8 and 9 stand rejected as follows: under 35 U.S.C. § 102(a) as anticipated by ASCI, and under 35 U.S.C. § 103 as obvious over Letner in view of ASCI.¹

OPINION

We reverse the rejection under 35 U.S.C. § 102(a) and affirm the rejection under 35 U.S.C. § 103.

Rejection under 35 U.S.C. § 102(a)

We need to address only the sole independent claim, i.e., claim 1. That claim requires a single drain that runs substantially the length of an interior space.

The examiner argues that ACSI discloses "a full length single drain (pg. 5)" (answer, page 4). The ACSI web page relied upon by the examiner states that the available features include "[f]ull length troughs". The ACSI web page relied upon by the appellant shows drains that extend the width rather than the length of the interior space (page 4).

¹ The examiner's rejection under 35 U.S.C. § 102(a) is over "Advanced Containment Systems, Inc. and the associated accessories web page" (answer, page 4). The "associated accessories web page" is <http://www.aramsco.com>, and the examiner has not established that the ACSI web pages and the Aramsco web page describe the same product. The difference in the company names indicates that different products are described. That error is not prejudicial to the examiner because the appellant provides, in the supplemental appendix, a picture of an ACSI floor trough drain that is similar to the trough shown in the Aramsco web page. We consider the ACSI web pages to be complete in themselves, the "[f]ull length drain troughs" referred to therein being those in the ACSI picture provided by the appellant.

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The examiner argues that "an area has more than one 'length'" (answer, page 6). That argument is incorrect. The length is "the longer or longest dimension of an object".² Hence, the width of the ACSI interior space, which is shorter than the direction orthogonal to the width, cannot reasonably be considered a length.

Accordingly, we reverse the rejection under 35 U.S.C. § 102(a) over ASCI.

Rejection under 35 U.S.C. § 103

The only element of the appellant's claims that the appellant argues would not have been fairly suggested to one of ordinary skill in the art by Letner and ACSI is a single drain that runs substantially the length of an interior space.

Letner discloses a decontamination chamber having a subbase (34) with ribs (74) that form channels (76) that open into a sump (72) (col. 5, line 34 - col. 6, line 5). The ribs and channels run substantially the length of the interior space of the decontamination chamber (figure 2).

² Webster's New Collegiate Dictionary 658 (G. & C. Merriam 1973).

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The appellant argues that the appellant's claims require a drain disposed beneath the floor level (brief, page 9). That limitation does not appear in the claims.

The appellant argues that Letner's channels both conduct liquid and provide support for the subbase, and that Letner's drain traps water under the feet of the user as it delays the passage of waste water to the sump (brief, page 9). Those features are not excluded by the appellant's claims.

The appellant argues that Letner's drain is not a single drain and does not run substantially the length of the interior space because an accepted meaning of "run" is measured in a straight line (brief, page 9). The components of Letner's drain, in combination, form a single drain. The appellant's disclosure does not limit "run" to a straight line. The definitions of "run" provided by the appellant include "to lie in or take a certain definition". Letner's drain meets that definition.

The appellant argues that Letner and ACSI are not combinable because ACSI discloses transverse floor drains (brief, pages 9-10). ACSI is not needed for a disclosure of the appellant's single drain running substantially the length of the

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interior space. That feature is disclosed by Letner (figure 2).

We therefore are not convinced of reversible error in the examiner's rejection over the combined disclosures of Letner and ACSI.

DECISION

The rejection of claims 1-6, 8 and 9 under 35 U.S.C. § 102(a) over ASCI is reversed. The rejection of claims 1-6, 8 and 9 under 35 U.S.C. § 103 over Letner in view of ASCI is affirmed.

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

AFFIRMED

TERRY J. OWENS)
Administrative Patent Judge)
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) BOARD OF PATENT
) APPEALS
) AND
MURRIEL E. CRAWFORD) INTERFERENCES
Administrative Patent Judge)
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STUART S. LEVY)
Administrative Patent Judge)

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