

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 PHILIPPE MATONOG and XAVIER PETIT

Appeal No. 2006-1955
Application No. 10/818,060
Technology Center 3700

Decided: January 29, 2007

Before TERRY J. OWENS, JENNIFER D. BAHR, and LINDA E. HORNER,
Administrative Patent Judges.

BAHR, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal from the examiner's rejection of claims 1-8.

We REVERSE.

Appeal No. 2006-1955
Application No. 10/818,060

BACKGROUND

The appellants' invention relates to a self-contained refrigeration unit designed to be installed in suitable receiving recesses in a truck or trailer refrigeration body (present specification, p. 1). Claim 1, the only independent claim pending in the application, reads as follows:

1. A refrigeration system comprising:
 - at least one refrigeration unit comprising,
 - an evaporator;
 - a condenser communicating a refrigerant to said evaporator;
 - a compressor communicating said refrigerant to said condenser;
 - a casing of a predetermined size supporting at least said evaporator and said condenser;
 - a frame on a vehicle refrigeration compartment, having an opening of about said predetermined size to receive said casing wherein said refrigerant is substantially communicated within said casing; and
 - said casing being removable as a unit with said condenser and said evaporator.

The examiner relies upon the following as evidence of unpatentability:

Crongeyer	US 4,196,657	Apr. 8, 1980
Aldrich	US 4,641,502	Feb. 10, 1987
Borges	US 5,878,592	Mar. 9, 1999

The appellants seek review of the examiner's rejections of claims 1-4 and 6-8 under 35 U.S.C. § 103(a) as being unpatentable over Aldrich in view of

Appeal No. 2006-1955
Application No. 10/818,060

Crongeyer and claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Aldrich in view of Crongeyer and Borges.

Rather than reiterate in their entirety the conflicting viewpoints advanced by the examiner and the appellants regarding this appeal, we make reference to the final rejection (mailed March 21, 2005) and examiner's answer (mailed August 16, 2005) for the examiner's complete reasoning in support of the rejections and to the appellants' brief (filed July 22, 2005) and reply brief (filed October 14, 2005) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art, and to the respective positions articulated by the appellants and the examiner. For the reasons that follow, we cannot sustain either of the examiner's rejections.

Claim 1 recites at least one refrigeration unit comprising a casing of a predetermined size and a frame on a vehicle refrigeration compartment having an opening of about said predetermined size to receive said casing. Aldrich, on the other hand, is directed to a roof mount air conditioner 20 comprising a cabinet including a shroud outer cover 22, a shroud inner liner 24 and a base pan 28. Objects of Aldrich's invention are to provide an air conditioner in which the air inlets and outlets are essentially hidden from view to enhance the aesthetics of the air conditioner (col. 2, ll. 24-29) and to provide an air conditioner which is better shielded by the cabinet shroud from inclement weather invasion (col. 2, ll. 30-33).

Appeal No. 2006-1955
Application No. 10/818,060

Aldrich's base pan is provided with a variety of air inlets and outlets, including openings 80, 82, 84, 86, 88, 90, 92 in rear flange 42, openings 94, 96, 98, 100, 102 in starboard side flange 44, upper and lower openings 104, 106 and 108, 110 in rear wall 34 and the rear half of starboard side wall 36, openings 112, 114, 116, 118, 120 in the rear half of the port side porch flange 46 and slots 126, 128, 129 in the bottom wall 30 (col. 4, first para.), all of which are located so as to be essentially hidden from view and shielded to some degree from inclement weather invasion. The bottom wall 30 of the base pan 28 has a centrally located, downwardly depressed, rectangularly shaped portion 76 (col. 3, ll. 57-59).

Aldrich's air conditioner 20 is designed to be installed on the roof of a recreational vehicle, normally *over* an existing roof vent which is removed to create a standard 14 inch by 14 inch opening through the roof. The air conditioner 20 is mounted on a relatively flat level section of the roof. A rubber gasket is attached to the bottom wall 30 of the base pan 28 and adapted to register with and surround the roof opening. Two additional gasket or cushion strips extend transversely of the air conditioner 20 between the vehicle roof and the bottom wall 30, one fore and one aft of the depression 76 to further support the air conditioner 20 with bottom wall 30 *spaced slightly above the vehicle roof surface*. Condenser compartment outlets 126, 128, 129 (col. 4, ll. 24-26 and Figs. 2 and 4) communicate with this clearance space. Col. 6, last paragraph. Aldrich thus lacks a frame on a vehicle refrigeration compartment having an opening of about the size of the casing (cabinet) of the air conditioner to receive the casing, as called for in appellants' claim 1.

Appeal No. 2006-1955
Application No. 10/818,060

Crongeyer discloses a mounting arrangement for a vehicle vent structure, the mounting arrangement including a frame 16 of generally L-shaped cross section with a vertical leg member 22, the lower end of which is welded continuously around the entire perimeter of the frame adjacent the edge 18 of an opening in the sheet metal (e.g., roof) of the vehicle body (col. 2, ll. 16-24), and a horizontal leg 24. The vent assembly 10 is fastened to the horizontal leg 24 of the frame 16 by screw fasteners such as bolts 36, as illustrated in Fig. 2 (col. 2, ll. 43-44). Even assuming that Crongeyer would have broadly suggested the use of some sort of frame member for supporting the air conditioner 20 of Aldrich, it would not have been obvious to provide a frame having an opening of about the size of the cabinet of the air conditioner to receive the cabinet, as this would obstruct the air inlet/outlet openings, discussed above, located on the base pan 28 so as to communicate with clearance space between the bottom wall 30 and the vehicle roof surface while being essentially hidden from view and shielded from inclement weather invasion.

In light of the above, we conclude that the combined teachings of Aldrich and Crongeyer are insufficient to establish a prima facie case of obviousness of the subject matter of appellants' claim 1, or claims 2-4 and 6-8 depending from claim 1. The rejection of these claims thus cannot be sustained.

The additional teachings of Borges relied on by the examiner in rejecting claim 5, which depends from claim 1, provides no cure for the deficiency of the combination of Aldrich and Crongeyer discussed above. It follows that the

Appeal No. 2006-1955
Application No. 10/818,060

rejection of claim 5 as being unpatentable over Aldrich in view of Crongeyer and Borges also cannot be sustained.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1-8 under 35 U.S.C. § 103(a) is REVERSED.

REVERSED

TERRY J. OWENS)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
JENNIFER D. BAHR)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
LINDA E. HORNER)	
Administrative Patent Judge)	

Appeal No. 2006-1955
Application No. 10/818,060

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

JDB/lg