

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 MUNEER ABUSAMRA, LUDGER RONGE, CHARLES E. ALLEN, JR., WINFRIED STURMER, KARL-FRITZ HEINZELMANN, CHRISTOPHER LOREN DREIER, ROBERT ANTHONY SAYMAN, JAMES HENRY DEVORE, and RONALD PETER MUETZEL

Appeal 2006-2712
Application 10/745,095
Technology Center 3600

Decided: May 30, 2007

Before TERRY J. OWENS, MURRIEL E. CRAWFORD, and LINDA E. HORNER, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This appeal involves claims 1-3. Claims 10, 12-20, and 22-24 have been allowed. Claims 4-6 have been objected to. Claims 7-9, 11 and 21

have been cancelled. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

The claims are directed to normally open clutch assembly controllable to modify rotational speed required for actuation. Claim 1 is illustrative:

1. A normally open clutch assembly comprising:

a clutch cover attachable to a rotatable input member;

a friction disk;

a pressure plate rotatable with said clutch cover and movable axially between a clamped position engaging said friction disk and an open position;

a plurality of weights movable responsive to rotation of said normally open clutch assembly to move said pressure plate between said clamped position and said open position; and

a front plate and a back plate defining a radial space within which said plurality of weights move, said front plate movable to adjust a rotational speed at which said pressure plate moves to said clamped position.

The Examiner relies on the following prior art reference to show unpatentability:

Markyvech

US 2002/0137596 A1

Sep. 26, 2002

The rejections as presented by the Examiner are as follows:

1. Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Markyvech.

Appellants contend that there is no disclosure in Markyvech that provides for adjustment of the engine rotational speed at which the clutch engages.

ISSUE

The issue is whether the Appellants has shown that the Examiner erred in finding that Markyvech discloses a device that provides for adjustment of the engine rotational speed at which the pressure plate moves to a clamped position.

FINDINGS OF FACT

Appellant invented a normally open clutch assembly having a front plate 26. Radial movement of the front plate 26 changes the position of a transition point 36 and thereby the axial position of the front plate in the clamped position (Figures 2 and 3). This change in the axial position of the front plate in the clamped position changes the rotational speed at which the clutch assembly begins transmitting torque to the output shaft 14 (Specification:0020).

Claim 1 recites that the front plate is *movable* to adjust a rotational speed at which said pressure plate moves to said clamped position.

Markyvech discloses a normally open clutch assembly including a front plate 125 and a back plate 128 (Figure 7). The front plate 125 may be adjusted by the addition of an adjustment mechanism 125A. Markyvech discloses that the front plate 125 may be moved axially to accommodate for wear or the like (0078). When the front plate 125 is moved to accommodate for wear, the rotational speed at which the pressure plate clamps the disk is adjusted when compared with the rotational speed at which the pressure plate would have clamped the disk were the front plate 125 not moved by adjustment mechanism 125A. In addition, the front plate 125 is movable, absent wear, in an axial direction and such movement would adjust the

engine rotational speed at which the pressure plate moves to the clamped position.

PRINCIPLES OF LAW

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), *cert. denied*, 465 U.S. 1026 (1984), it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it."

ANALYSIS

The Markyvech front plate 125 is axially moved to accommodate wear and may be moveable absent wear. Axial movement of the disk would adjust the rotational speed at which the pressure plate moves to the clamped position. The Appellant has not shown that the Examiner erred in finding that this requirement of claim 1 is met by Markyvech.

Appeal 2006-2712
Application 10/745,095

ORDER

The decision of the Examiner is *affirmed*.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a) (2006).

AFFIRMED

hh

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