

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* ROBERT FOX

---

Appeal 2006-2849  
Application 10/310,200  
Technology Center 3600

---

Decided: March 23, 2007

---

Before TERRY J. OWENS, ROBERT E. NAPPI, and LINDA E. HORNER,  
*Administrative Patent Judges.*

OWENS, *Administrative Patent Judge.*

DECISION ON APPEAL

The Appellant appeals from a rejection of claims 1-10, which are all of the pending claims.

THE INVENTION

The Appellant claims a vehicle wheel chocking apparatus and method. Claim 1 is illustrative:

1. A wheel locking chock apparatus in alignment on one side of a vehicle comprising:

a pair of chocks having an extending and retracting interconnection comprising a single exteriorly threaded shaft;

one chock of the pair of chocks being attached to each end of the shaft; and

a means for rotating a rotatable adjusting member having a plurality of circumferentially-spaced apertures located on a radial surface of the rotatable adjusting member; the rotatable adjusting member being fixably attached to the shaft substantially midway between opposite ends of the shaft; and the rotatable adjusting member and the shaft being rotatable in a first direction for extension of the chocks and being rotatable in an opposite direction for retraction of the chocks.

#### THE REFERENCES

Reilly	US 4,324,036	Apr. 13, 1982
Fox	US 4,828,076	May 9, 1989

#### THE REJECTION

Claims 1-10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fox in view of Reilly.

#### OPINION

We affirm the aforementioned rejection.

The Appellant states that the claims stand or fall together (Br. 4). We therefore limit our discussion to one claim, i.e., claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2004).

Fox, which has the same inventor as the application in this appeal and is incorporated by reference in the Appellant's Specification (¶ 0018), discloses a lock chock for tandem axle wheels (Fox, col. 1, l. 2). "The lock chock assembly **10** consists mainly of fore and aft blockers **14** and **15** interconnected by use of an exteriorly threaded shaft **16** upon which a wing

nut **17** is anchored midway between opposite ends. Adjacent the wing nut is a hexagonal nut **17'** also anchored to the threaded shaft whereby to provide a wrenchhold when needed” (Fox, col. 2, ll. 43-49; fig. 2). “In operation when the lock chock assembly is to be installed, the wing nut **17** is backed off by rotation in a withdrawal direction for the blockers **14** and **15** until there is an abundance of room between respective flat sections **19** of the blocker **14** and **35** of the blocker **15**” (Fox, col. 3, ll. 30-34). “Once the chocks are in proper position, the wing nut **17** is rotated in the opposite direction together with the threaded shaft **16** so as to extend both blockers **14** and **15** until they engage the corresponding wheels **11** and **12**” (Fox, col. 3, ll. 36-40).

Reilly discloses an orthodontic screw-type biasing device (Reilly, col. 1, ll. 10-11). The device includes an exteriorly threaded actuator screw (1) having an engagement spindle (3) with holes (4) therein for engagement by an actuator such as a rod or pin-shaped actuator (Reilly, col. 2, ll. 8-12). The portions of the screw on opposite sides of the spindle are oppositely threaded with respect to each other (Reilly, col. 2, ll. 12-15). Turning the spindle rotates the oppositely threaded screw portions to apply a spreading action in a patient’s mouth (Reilly, col. 3, l. 67 – col. 4, l. 2). The ends of the screw are screwed into a threaded portion (6) of a housing (2) and are deformed to prevent them from inadvertently disengaging from the threaded portion (Reilly, col. 2, ll. 15-34).

The Appellant argues that Reilly cannot be relied upon as prior art because it is nonanalogous art (Br. 7; Reply Br. 2).<sup>1,2</sup>

---

<sup>1</sup> The pages of the Reply Brief are not numbered. The page we refer to as page 2 is the second page.

The test of whether a reference is from an analogous art is first, whether it is within the field of the inventor's endeavor, and second, if it is not, whether it is reasonably pertinent to the particular problem with which the inventor was involved. *See In re Wood*, 599 F.2d 1032, 1036, 202 USPQ 171, 174 (CCPA 1979). A reference is reasonably pertinent if, even though it may be in a different field of endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering the inventor's problem. *See In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1061 (Fed. Cir. 1992).

The Appellant correctly points out that orthodontics is not the Appellant's field of endeavor (Br. 7; Reply Br. 2). The Appellant argues that the problem solved by Reilly is preventing screw disengagement in orthodontic devices, whereas the problem solved by the Appellant is constraining movement of vehicles (Br. 8; Reply Br. 3).

Constraining vehicle movement is not the problem solved by the Appellant. That problem was solved by Fox (col. 3, ll. 30-51). The problem solved by the Appellant is that Fox is limited to turning the exteriorly threaded shaft (16) by use of a wing nut (17) and a hexagonal nut (17') (Specification ¶¶ 0005-0006). The Appellant's solution to that problem is to rotate the exteriorly threaded shaft with an actuator rod inserted into apertures in a spindle attached to the shaft midway between its ends.

---

<sup>2</sup> The Appellant argues that "there was no teaching, suggestion, or motivation to combine the prior art references" (Br. 7), but the Appellant provides no rationale, separate from the nonanalogous art argument, in support of that argument.

Moreover, the relevant question is not whether Reilly solves the problem solved by the Appellant but, rather, is whether, because of the subject matter with which Reilly deals, Reilly logically would have commended itself to the Appellant's attention in considering the Appellant's problem. *See Clay*, 966 F.2d at 659, 23 USPQ2d at 1061. Reilly discloses using an actuator inserted into radially spaced apertures in a spindle attached midway between the ends of an exteriorly threaded orthodontic screw to spread housings at the ends of the screw (Reilly, col. 2, ll. 9-12; col. 3, l. 66 – col. 4, l. 2). The relevant question is whether, because of that disclosed subject matter, Reilly logically would have commended itself to the Appellant's attention in considering another way to rotate Fox's exteriorly threaded screw to spread vehicle chocks at the ends of the screw.

The Appellant argues that Reilly is not reasonably pertinent to the problem addressed by the Appellant because Reilly's device is much smaller than that of the Appellant (Reply Br. 3). That argument is not persuasive because the principle involved in moving an actuator placed in radially spaced apertures in a spindle fixed between oppositely threaded portions of a screw to rotate the screw and thereby cause components at the ends of the screw to move closer together or farther apart is independent of the size of the device. Thus, it reasonable appears that Reilly logically would have commended itself to the Appellant's attention when considering other ways to rotate Fox's screw.

Appeal 2006-2849  
Application 10/310,200

We therefore are not convinced of reversible error in the Examiner's rejection.<sup>3</sup>

### DECISION

The rejection of claims 1-10 under 35 U.S.C. § 103 over Fox in view of Reilly 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

*HAHN LOESER & PARKS, LLP*  
*One GOJO Plaza*  
*Suite 300*  
*AKRON, OH 44311-1076*

---

<sup>3</sup> In the event of further prosecution the Examiner and the Appellant should address whether there is adequate antecedent basis for "the radial surface" in claim 8.