

1 The opinion in support of the decision being entered today is *not* binding
2 precedent of the Board

3
4 UNITED STATES PATENT AND TRADEMARK OFFICE

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7 BEFORE THE BOARD OF PATENT APPEALS
8 AND INTERFERENCES

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11 *Ex parte* LAWRENCE G. RODRIGUEZ and MICHAEL WINARDI

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14 Appeal 2006-2972
15 Application 09/906,227
16 Technology Center 3600

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19 Decided: August 31, 2007

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

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25 CRAWFORD, *Administrative Patent Judge.*

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28 DECISION ON APPEAL

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30 STATEMENT OF CASE

31 Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection
32 of claims 1-5. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

33 Appellants invented a dummy conversion bracket for a lockset. More
34 particularly, dummy handlesets and a bracket adapted to prevent movement
35 of the thumbpiece of the dummy handleset (Specification 1).

36 Claim 1 under appeal reads as follows:

1 prevent the thumbpiece from pivoting relative to one of the exterior and
2 interior assemblies.

3 FINDINGS OF FACT

4 Appellants disclose a bracket, attachable to a dummy handleset 40,
5 which has an aperture 36 which includes a groove 38. The aperture 36 is
6 configured to receive the tab 50 of the thumbpiece of the handleset 40 and
7 the groove 38 is configured to receive the pin 52 of the handleset 42
8 (Specification 3; Figures 2 and 6). When in position, the bracket traps the
9 pin 52 and tab 50 preventing pivotal movement of the thumbpiece
10 (Specification 3). It is the configuration of the aperture itself that prevents
11 the pivotal movement of the thumbpiece.

12 Moses discloses a door lock attachment which includes an aperture 25
13 configured to receive a thumbpiece hub 31 (Moses 2:24-27). The
14 thumbpiece hub 31 has a recess 37 (Moses, Figure 1). The door lock
15 attachment includes a stop 13 that when operative moves into the recess 37
16 in the thumbpiece hub and thereby limits the rotation of the thumbpiece
17 knob 12 (Moses 2:40-50; Figure 8). The aperture 25 is not configured to
18 restrain the movement of the thumbpiece. Rather, it is the positioning of the
19 stop 13 in the aperture that restrains the movement of the thumbpiece. For
20 this same reason, the aperture 25 of Moses is also not configured to prevent
21 the thumbpiece from pivoting relative to one of the exterior and interior
22 assemblies.

23 Friedman discloses a door lock including a thumbpiece 16 which has
24 a shaft 13 connected thereto (Friedman, Figure 5). The shaft 13 extends
25 through an aperture in a stop ferrule 27. Actuation of the thumbpiece is

1 prevented when a tip 34 of a lock catch mechanism 35 is moved into contact
2 with seat 33 of the stop ferrule 27 (Friedman 2:39-43; Figure 5). The
3 aperture in stop ferrule 27 is not configured to restrain the movement of the
4 thumbpiece. Rather, it is the positioning of the tip 34 so as to contact the
5 seat 33 which prevents movement of the thumbpiece 16. For this same
6 reason, the aperture in the stop ferrule 27 of Friedman is also not configured
7 to prevent the thumbpiece from pivoting relative to one of the exterior and
8 interior assemblies.

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DISCUSSION

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CONCLUSION/ORDER

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The decision of the Examiner is *reversed*.

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REVERSED

Appeal 2007-2972
Application 09/906,227

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