

1 OPINION

2 We reverse the aforementioned rejections and remand the application to the
3 Examiner. We need to address only the independent claims, i.e., claims 10 and 18.

4 Claim 10

5 Claim 10 requires a step of evacuating a hydraulic reservoir.

6 Baechle discloses “a process of bleeding a slip-controlled dual-circuit brake
7 system for automotive vehicles, and a device for implementing the process”
8 (Baechle, col. 1, ll. 8-10). In that process “bleeding of the wheel brakes is
9 executed in two sequences of operation: in a first sequence of operation, the wheel
10 brakes of the front axle and the rear axle are pre-bled by a cyclic actuation of the
11 braking pressure generator, and in the second sequence of operation the main
12 bleeding and filling of the front-wheel and rear-wheel brakes is executed by
13 actuating cycles of the braking pressure generator, the pressure modulation valves
14 and start of operation of the pump” (Baechle, col. 1, ll. 33-42).

15 The Examiner does not address, in either the explanation of the rejection
16 (Final Rejection 3-4) or the response to the Appellants’ arguments (Answer 3-4),
17 the requirement in the Appellants’ claim 10 of a step of evacuating a hydraulic
18 reservoir. The Examiner, therefore, has not established a prima facie case of
19 anticipation or obviousness of the invention claimed in claim 10 or its dependent
20 claims 11, 12, 16, and 17.

21 Claim 18

22 Claim 18 requires a master cylinder including a connection that is associated
23 with a wheel brake cylinder and discharges approximately at a tangent into a
24 cylinder bore of the master cylinder.

25 The Examiner does not rely upon Baechle for a disclosure of the Appellants’
26 master cylinder. Consequently, the Examiner has not established a prima facie

1 case of anticipation over Baechle of the invention claimed in the Appellants'
2 claim 18.

3 The Examiner argues that "it is well known to connect the hydraulic lines on
4 a tangent in order to prevent air from collecting" (Final Rejection 3).

5 As stated in *Manual of Patent Examining Procedure* § 2144.03 (8th ed.,
6 rev. 3, Aug. 2005), "[i]t is never appropriate to rely solely on 'common
7 knowledge' in the art without evidentiary support in the record, as the principal
8 evidence upon which a rejection was based."

9 The Examiner has not provided the required evidence in support of the
10 argument that connecting hydraulic lines on a tangent to prevent air from
11 collecting was well known in the art. We therefore conclude that the Examiner has
12 established a prima facie case of obviousness over Baechle of the invention
13 claimed in the Appellants' claim 18.

14 Remand

15 We remand the application for the Examiner to provide evidence in support
16 of the Examiner's argument that it was well known in the art to connect hydraulic
17 lines on a tangent to prevent air from collecting.

