

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 JAMES DALEIDEN

Appeal 2007-1003
Application 10/680,763
Technology Center 1700

Decided: March 14, 2007

Before EDWARD C. KIMLIN, CATHERINE Q. TIMM, and
JEFFREY T. SMITH, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

This is an appeal from the final rejection of claims 1-40.

Claims 1-4, 16, 17, 28, and 29 stand rejected under 35 U.S.C.

§ 102(b) as being anticipated by Ernst. Claims 5-15, 18-27, and 30-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over any one of Erdmannsdorfer, Uebelhoer, and Kasten.

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With respect to the Examiner's § 103 rejection, Appellant presents separate arguments for claims 5, 13, 15, 18, 23, 25, 26, 30, 31, 32, and 33. For instance, claim 5 defines the biasing element as a leaf spring, claim 13 recites that the biasing element includes a cantilevered annular ring member, claim 15 recites that the cover includes at least one slot, claim 23 states that the biasing element is integrally-formed with a bottom portion of the base, and claim 30 recites that the shell, biasing element, and attachment member are injection molded as a single component. Unfortunately, we have searched the Examiner's Answer in vain for the Examiner's position with respect to these separate arguments. The Examiner has simply failed to address these arguments, and it is not apparent from the Answer that the Examiner has considered and examined these claimed features.

Accordingly, this application is remanded to the Examiner for the purpose of directing the Examiner to address the separate arguments of Appellant noted above and, if necessary, to afford the Examiner the opportunity to complete the examination of the separately argued claims.

Also, the Examiner should consider a rejection of claims 1-4, 16, 17, 28, and 29 under 35 U.S.C. § 103 inasmuch as it appears that Ernst does not describe a biasing element that is integrally-formed as one piece with the housing. Unless the Examiner can further explain otherwise, it would seem that spring clip (38) of Ernst is a separate element that is connected to the housing but not formed integrally therewith. The disclosure of Ernst

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referenced by the Examiner (col. 3, ll. 21-31) does not describe the spring clip as integrally formed as one piece with the housing.

This Remand to the Examiner pursuant to 37 CFR § 41.50(a)(1) is made for further consideration of a rejection. Accordingly, 37 CFR § 41.50(a)(2) applies if a supplemental examiner's answer is written in response to this Remand by the Board.

REMANDED

clj

Michael Best & Friedrich, LLP
100 E. Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202