

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 GARRETT N. FORD

Appeal 2007-1716
Application 10/743,570
Technology Center 3600

Decided: May 17, 2007

Before DONALD E. ADAMS, LORA M. GREEN, and RICHARD M. LEBOVITZ, *Administrative Patent Judges*.

Adams, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal under 35 U.S.C. § 134 involves claims 1-4 and 13-17, the only claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

INTRODUCTION

The claims are directed to a bushing (claims 13-17) and a stirrup comprising, *inter alia*, a bushing (claims 1-4). Claims 1, 13, and 15 are illustrative:

1. A stirrup comprising:
 - a carrier;
 - a holding member on said carrier for holding a strap;
 - a footrest joined to said carrier; and
 - a bushing mounted on said holding member;
wherein the bushing includes an inner sleeve adapted for snug connection with the holding member, longitudinal fins extending radially from the inner sleeve, and an outer sleeve connected to said fins.
13. A bushing for a stirrup holding member comprising:
 - an inner sleeve adapted for snug connection with the holding member;
 - an outer sleeve substantially concentric with the inner sleeve;
 - and
 - a plurality of longitudinal ribs connecting the inner and outer sleeves.
15. The bushing of claim 13, wherein said bushing is made of polyurethane.

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

Bowman	US 3,515,417	Jun. 2, 1970
Hsi-Chang	US 6,220,004 B1	Apr. 24, 2001

This Merits Panel relies on the following reference:
(Webster's) Merriam-Webster's Collegiate Dictionary 154 (10th ed. 1998).

The rejections as presented by the Examiner are as follows:

1. Claims 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bowman (Br. 4).
2. Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bowman (Br. 4).
3. Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Hsi-Chang and Bowman (Br. 4).

We reverse.

DISCUSSION

CLAIM INTERPRETATION

Claim 13 is drawn to a bushing. The Specification does not include a definition for the term “bushing.” Therefore, we interpret the term “bushing” as defined in a general purpose dictionary to mean a “removable cylindrical lining for an opening (as a mechanical part) used to limit the size of the opening, resist abrasion, or serve as a guide” (Webster’s). The bushing of claim 13 comprises three elements: (1) an inner sleeve adapted for snug connection with the stirrup holding member (e.g., the rod of a stirrup (Specification 4)), (2) an outer sleeve substantially concentric with the inner sleeve, and (3) a plurality of longitudinal ribs connecting the inner and outer sleeves.

Claim 1 is drawn to a stirrup. The stirrup comprises four elements: (1) a carrier; (2) a holding member on the carrier for holding a strap; (3) a footrest joined to the carrier; and (4) a bushing, as in claim 13, mounted on the holding member.

BOWMAN

Bowman teaches a self-centering bushing (Bowman, title).

Bowman's bushing is preferably made from a plastic material, e.g., nylon (Bowman, col. 1, ll. 30-31). Bowman's bushing has

an accurately formed inner bore to receive an accurately formed rod, pedestal or the like [(e.g., a holding member)] and the outer surface of the bushing being provided with a multiplicity of longitudinally extending aplice [sic]-like members, the outer ends of which are adapted to contact the bore of the member in which the bushing is placed, the splines being flexible enough at their outer ends to make the bushing self centering relative to the bore of the hub.

(Bowman, col. 1, ll. 30-39.) Bowman's bushing does not contain an outer sleeve that is substantially concentric with the inner sleeve.

Bowman describes the use of the bushing in the base of a swivel chair (Bowman, col. 1, l. 63 – col. 2, l. 51). Bowman teaches that the bushing is placed in a disposed hub in the swivel chair's base where the inner bore of the bushing is positioned to receive a rod-like pedestal attached to the upper portion of the chair (*id.*).

Claims 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bowman.

The Examiner finds that Bowman's bushing comprises an inner sleeve (bore) and a plurality of longitudinal fins (ribs) (Answer 3-4; Final Rejection 2). We agree that Bowman teaches, an inner sleeve and a plurality of longitudinal fins, two of the three limitations of Appellant's claim 13. As we understand the Examiner's argument, when Bowman's bushing is inserted in the disposed hub of a swivel chair's base, the disposed hub of the chair's base provides an outer sleeve for Bowman's bushing (*id.*).

Therefore, the Examiner is of the opinion that the disposed hub of the chair's base provides the third required element of Appellant's claim 13.

We appreciate the Examiner's construction of Appellant's claimed invention in light of Bowman. When interpreted broadly, the transitional phrase "comprising" opens the claim to read on elements that are not recited in Appellant's claim, e.g., a bushing together with a swivel chair base.

Georgia-Pacific Corp. v. United States Gypsum Co., 195 F.3d 1322, 1327, 52 USPQ2d 1590, 1595 (Fed. Cir. 1999).

However, as we have interpreted the term, a "bushing" is a removable cylindrical lining. As Appellant explains, "[a] bushing constitutes a discrete and distinct member . . ." (Br. 5). Therefore, to reach Appellant's claimed bushing, the prior art bushing must have all three of Appellant's claimed elements whether it is held in your hand or placed in the disposed hub of a swivel chair base. Bowman does not teach a bushing that contains an outer sleeve that is substantially concentric with the inner sleeve. Therefore, Bowman does not teach a bushing having the claimed structure.

Accordingly, we reverse the rejection of claims 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by Bowman.

Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bowman.

Claims 15-17 depend from and further limit claim 13 to, *inter alia*, a bushing that is made of polyurethane (claims 15 and 16), or wherein the plurality of longitudinal ribs consists of four ribs (claim 17). As discussed above, Bowman fails to teach a bushing having all three elements of Appellant's claim 13. The Examiner offers no explanation as to why a person of ordinary skill in the art at the time the invention was made would

have found it *prima facie* obvious to add an outer sleeve to Bowman's self-centering bushing.

Therefore, for the reasons set forth above, we reverse the rejection of claims 15-17 under 35 U.S.C. § 103(a) as unpatentable over Bowman.

HSI-CHANG AND BOWMAN

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Hsi-Chang and Bowman.

The Examiner finds that Hsi-Chang teaches a stirrup that comprises a bushing (Final Rejection 3; Answer 5). The Examiner finds that "Hsi-Chang is silent about the bushing includ[ing] an inner sleeve and longitudinal fins extending radially from the inner sleeve" (Final Rejection 3). To make up for the deficiencies in His-Chang, the Examiner relies on Bowman as discussed above (*id.*). The Examiner finds that it would have been *prima facie* obvious to substitute the bushing of Hsi-Chang with a functionally equivalent bushing having inner sleeve and fins as taught by Bowman, since both types of bushing would perform to guide or reduce friction between elements (Answer 5).

As discussed above, Bowman fails to teach a bushing with an outer sleeve. Therefore, the rejection fails even if it would have been obvious to substitute Bowman's bushing for Hsi-Chang's bushing. Accordingly, we reverse the rejection of claims 1-4 under 35 U.S.C. § 103(a) as unpatentable over the combination of Hsi-Chang and Bowman.

Appeal 2007-1716
Application 10/743,570

CONCLUSION

In summary, we reverse all grounds of rejection.

REVERSED

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