

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3
4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
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8 *Ex parte* MARK P. MCJUNKIN, ROBERT J. DEROSE,
9 BRIAN H. THOMSON, and LORONZO H. THOMSON
10

11
12 Appeal 2007-4019
13 Application 10/842,261
14 Technology Center 3600
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17 Decided: January 16, 2008
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20 Before WILLIAM F. PATE, III, TERRY J. OWENS, and JOSEPH A.
21 FISCHETTI, *Administrative Patent Judges*.
22 OWENS, *Administrative Patent Judge*.

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24 DECISION ON APPEAL

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26 The Appellants appeal from a rejection of claims 1-9, 11, 13-19
27 and 21. Claims 10, 12, 20 and 22 stand objected to as dependent upon a
28 rejected base claim but allowable if rewritten in independent form.

29 THE INVENTION

30 The Appellants claim a bicycle stem for connecting a bicycle
31 handlebar to a bicycle steering tube. Claim 1 is illustrative:

1 Rejection under 35 U.S.C. § 102(b)

2 The Appellants argue only the independent claims (1 and 13) (Br. 7).
3 We therefore limit our discussion to those claims. *See*
4 37 C.F.R. § 41.37(c)(1)(vii)(2007).

5 Roddy discloses “a clamping device for attaching a handlebar to a
6 steering fork on a bicycle” (col. 1, ll. 7-8). The clamping device (10)
7 includes a cover (23) having a pair of protruding tapered prongs (27, 28) that
8 fit within a pair of corresponding recessed tapered walls (25, 26) in a
9 clamping body (13). Fasteners (32, 33) clamp the cover to the clamping
10 body (col. 4, ll. 20-28). Tightening the fasteners compresses the prongs
11 inwardly toward each other, thereby compressing the prongs against the
12 outer circumference of a handlebar (11; fig. 2). The prongs dig into the
13 surface of the handlebar and thereby resist rotational torque forces exerted
14 by the bicycle’s rider against the handlebar (col. 2, ll. 30-33).

15 The Appellants argue that Roddy’s prongs are orthogonal to the
16 handlebar-receiving passageway (24, 31) and that Roddy does not teach that
17 there is resistance to relative sliding motion in a direction generally parallel
18 to an axis of a handlebar-receiving passageway to thereby resist torsional
19 loading (Br. 6-7). The Appellants’ claims 1 and 13 do not exclude
20 orthogonal prongs. Claim 1 requires “first and second clamp surfaces
21 defining at least one interlocking joint on each opposite side of the
22 handlebar-receiving passageway, each interlocking joint comprising a recess
23 and a projection therein to resist relative sliding motion in a direction
24 generally parallel to an axis of the handlebar-receiving passageway to
25 thereby resist torsional loading”. Claim 13 requires “first and second clamp
26 surfaces defining at least one interlocking joint defined by at least one recess

1 and projection therein to resist relative sliding motion in a direction
2 generally parallel to an axis of the handlebar-receiving passageway to
3 thereby resist torsional loading”. Roddy’s prongs and recesses correspond,
4 respectively, to the Appellants’ projections and recesses. Because the
5 prongs dig into the handlebar surface and are compressed against the outer
6 circumference of the handlebar so as to clamp the handlebar between the
7 first and second prongs (col. 2, ll. 8-13; col. 2, ll. 30-33; col. 4, ll. 36-44), the
8 prongs and recesses necessarily resist, to at least some extent, 1) relative
9 sliding motion in a direction generally parallel to the handlebar-receiving
10 passageway’s axis, and 2) torsional loading.

11 We therefore are not convinced of reversible error in the rejection
12 under 35 U.S.C. § 102(b).

13 Rejection under 35 U.S.C. § 103

14 The Appellants rely, regarding claims 4 and 16, upon their arguments
15 set forth with respect to claims 1 and 13 (Br. 8). Those arguments are not
16 persuasive as explained above.

17 DECISION

18 The rejections over Roddy of claims 1-3, 5-9, 11, 13-15, 17-19 and 21
19 under 35 U.S.C. § 102(b) and claims 4 and 16 under 35 U.S.C. § 103 are
20 affirmed.

21 No time period for taking any subsequent action in connection with
22 this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2007).

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24 AFFIRMED
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Appeal 2007-4019
Application 10/842,261

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