

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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7
8 *Ex parte* JOSEPH GERALD BRUCK and MARY ANNE ALVIN
9

10 Appeal 2008-1198
11 Application 10/918,275
12 Technology Center 3700
13

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15 Decided: August 28, 2008
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18 *Before:* MURRIEL E. CRAWFORD, ANTON W. FETTING, and
19 JOHN C. KERINS, *Administrative Patent Judges.*

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21 CRAWFORD, *Administrative Patent Judge.*
22

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25 DECISION ON APPEAL
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27 STATEMENT OF CASE

28 Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection
29 of claims 2 to 6. Claims 7 to 13 and 15 have been allowed. We have
30 jurisdiction under 35 U.S.C. § 6(b) (2002).

31 Appellants invented a catalytic combustor including a plurality of
32 concentric tubular pressure boundary elements forming a first annular space

1 conducting a first fluid flow containing combustible fuel and a second
2 annular space separate from the first annular space containing no
3 combustible fuel (Specification 1, 3).

4 Claim 2 under appeal reads as follows:

5 2. A catalytic combustor comprising:

6
7 a plurality of concentric tubular pressure boundary
8 elements-forming a first annular space conducting a first fluid
9 flow and a second annular space separate from the first annular
10 space conducting a second fluid flow; wherein the first fluid
11 flow comprises a combustible fluid and the second fluid flow
12 comprises a cooling fluid containing no combustible fuel; and

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14 a catalytic material disposed on a surface of at least one
15 of the pressure boundary elements and exposed to at least one
16 of the fluid flows.

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18 The Examiner rejected claims 2 to 6 under 35 U.S.C. § 102(b)

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20 as anticipated by Hums.

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22 The prior art relied upon by the Examiner in rejecting the claims on
23 appeal is:

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Hums

5,946,917

Sep. 7, 1999

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26 Appellants contend that Hums does not disclose a first annular space
27 conducting a first fluid flow and a second annular space separate from the
28 first annular space conducting a second fluid flow as required by claim 2.

29

1 ISSUES

2 The issue is whether the Appellants have shown that the Examiner
3 erred in finding that Hums discloses a first annular space conducting a first
4 fluid flow and a second annular space separate from the first annular space
5 conducting a second fluid flow containing no combustible fluid.

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7 FINDINGS OF FACT

8 Hums discloses a catalytic combustion chamber which includes a
9 plurality of concentric tubular pressure boundary elements forming a first
10 annular space which is disposed between the wall 10 and the ring 36
11 (Figures 2 and 3). A first fluid flow comprising a combustible fluid 18 is
12 conducted in the first annular space (col. 4, ll. 13 to 21). There is also
13 disclosed a second annular space located between the wall 10 and the casing
14 of the chamber which is separate from the first annular space. A second
15 fluid flow containing a mixture of combustible fluid 20 and air 16 is
16 conducted in the second annular space.

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18 ANALYSIS

19 We will not sustain this rejection because Hums does not disclose a
20 second annular space conducting a second fluid flow comprising a cooling
21 fluid and no combustible fuel. The annular space between the wall of the
22 combustion chamber 10 and the casing includes a mixture of air 16 and fuel
23 20.

24 The decision of the Examiner is reversed.

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26 REVERSED

Appeal 2008-1198
Application 10/918,275

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3 vsh

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7 SIEMENS CORPORATION

8 INTELLECTUAL PROPERTY DEPARTMENT

9 170 WOOD AVENUE SOUTH

10 ISELIN NJ 08830