

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* ALEJANDRO GARZA RIVERA, JOHN J. MASCARELLO, and
9 CHRISTOPHER L. FULTON

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12 Appeal 2008-1423
13 Application 11/047,436
14 Technology Center 3700
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17 Decided: September 16, 2008
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20 *Before:* MURRIEL E. CRAWFORD, ANTON W. FETTING, and JOSEPH
21 A. FISCHETTI, *Administrative Patent Judges.*

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23 CRAWFORD, *Administrative Patent Judge.*
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26 DECISION ON APPEAL
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28 STATEMENT OF THE CASE

29 Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection
30 of claims 1 to 20. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

31 Appellants invented a control and pressure relief valve for relieving
32 pressure from an automotive interior (Specification 1).

1 Claim 1 under appeal reads as follows:

2 1. A control and pressure relief valve for
3 relieving air pressure from an automotive vehicle
4 interior to an atmospheric pressure outside said
5 vehicle interior, comprising:

6 a valve mounting location having an inlet in
7 fluid communication with said vehicle interior and
8 an outlet selectively in fluid communication with
9 said atmospheric pressure;

10 at least one relief valve mounted on said
11 valve mounting location and operable to allow air
12 to flow from said vehicle interior to atmospheric
13 pressure when said air pressure in said vehicle
14 interior exceeds a first predetermined pressure
15 value, said first predetermined pressure value
16 being greater than said atmospheric pressure; and

17 at least one control valve mounted on said
18 valve mounting location and operable to allow air
19 to flow from said vehicle interior to said
20 atmospheric pressure when said air pressure in said
21 vehicle interior exceeds a second predetermined
22 pressure value, said second predetermined value
23 being greater than said atmospheric pressure and
24 less than said first predetermined pressure value.
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26 The Examiner rejected claims 1 to 10, 13 to 16, and 18 under 35
27 U.S.C. § 102(b) as being anticipated by Horner.

28 The Examiner rejected claims 11, 12, 17, 19, and 20 under 35 U.S.C.
29 § 103(a) as being unpatentable over Horner.

30 The prior art relied upon by the Examiner in rejecting the claims on
31 appeal is:

32 Horner US 5,117,860 Jun. 2, 1992

33 Appellants contend that Horner does not disclose or suggest a valve
34 for relieving pressure from an automotive vehicle interior that is mounted on

1 a vehicle valve mounting location having an inlet in fluid communication
2 with the vehicle interior.

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ISSUE

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The issue is whether the Appellants have shown that the Examiner erred in finding that Horner discloses a valve for relieving pressure from an automotive vehicle interior that is mounted on a vehicle valve mounting location having an inlet in fluid communication with the vehicle interior.

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FINDINGS OF FACT

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Appellants disclose and claim a control and pressure relief valve for relieving pressure from an automotive vehicle interior (Specification 1). The valve is mounted on a valve mounting location 14 of the vehicle. The valve mounting location 14 has an inlet in fluid communication with the vehicle interior.

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Horner discloses a pressure relief valve 36 having an inlet 16 connected to a power assist booster and an outlet 18 which is adapted to be connected to a source of vacuum typically the inlet manifold of an internal combustion engine (col. 2, ll. 54 to 59). Horner does not disclose a valve mounted on a valve mounting location of a vehicle having an inlet in fluid communication with a vehicle interior.

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ANALYSIS

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We will not sustain the Examiner's rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Horner because Horner does not disclose a vehicle having a valve mounting location and a valve mounted on

1 a vehicle at the valve mounting location. In this regard we do not agree with
2 the Examiner that the valve is necessarily mounting on the vehicle because,
3 as pointed out by the Appellants, the Horner valve may be connected to
4 hoses only. In addition, we interpret the claims as requiring both a pressure
5 relief valve and an automobile vehicle interior with the two elements being
6 in fluid communication with each other, yet there is no disclosure in Horner
7 that the valve inlet is in fluid communication with the interior of the vehicle.

8 We will also not sustain this rejection as it is directed to claims 2 to 10
9 as these claims are dependent on claim 1.

10 We will also not sustain this rejection as it is directed to claim 13 and
11 claims 14 to 16 and 18 dependent thereon because claim 13 also recites that
12 the valve is mounted on the vehicle and in fluid communication with the
13 interior of the vehicle.

14 The decision of the Examiner is reversed.

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REVERSED

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21 GENERAL MOTORS CORPORATION

22 LEGAL STAFF

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