

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS  
5 AND INTERFERENCES  
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8 *Ex parte* WILLIAM J. BRIGGS, JR. and MICHAEL HASSL  
9

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11 Appeal 2008-1550  
12 Application 10/403,188  
13 Technology Center 3600  
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15  
16 Decided: September 29, 2008  
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19 *Before:* MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and  
20 STEVEN D.A. McCARTHY, *Administrative Patent Judges.*

21  
22 CRAWFORD, *Administrative Patent Judge.*  
23

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25 DECISION ON APPEAL  
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27 STATEMENT OF THE CASE

28 Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection  
29 of claims 1 to 14, 17 to 21, and 24 to 26. We have jurisdiction under 35  
30 U.S.C. § 6(b) (2002).

1 Appellants invented an adjustable roll handling hoist (Specification  
2 2).

3 Claim 1 under appeal reads as follows:  
4

5 1. A roll handling hoist defining a vertical  
6 direction and an x-y plane perpendicular to said  
7 vertical direction, said roll handling hoist  
8 comprising:  
9 a rigid vertical support assembly;  
10 a chuck assembly movably joined to said  
11 vertical support assembly, said chuck assembly  
12 being configured to move in said vertical direction  
13 and to be adjustable between a plurality of roll  
14 configurations; and  
15 a user control assembly joined to said  
16 vertical support assembly;  
17 wherein said user control assembly  
18 maintains a fixed position relative to said vertical  
19 support assembly when said chuck assembly is  
20 moved in said vertical direction.  
21

22 The Examiner rejected claims 1, 5, 6, 8 to 10, 12, 14, 25, and 26 under  
23 35 U.S.C. § 102(b) as being anticipated by Zaguroli.

24 The Examiner rejected claims 2 to 4, 17, and 19 to 21 under 35 U.S.C.  
25 § 103(a) as being unpatentable over Zaguroli in view of Focke.

26 The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being  
27 unpatentable over Zaguroli in view of Meyer.

28 The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being  
29 unpatentable over Zaguroli in view of Salsburg.

30 The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being  
31 unpatentable over Zaguroli in view of Anderson.

1           The Examiner rejected claims 18 and 24 under 35 U.S.C. § 103(a) as  
2 being unpatentable over Zaguroli in view of Focke and Anderson.

3           The prior art relied upon by the Examiner in rejecting the claims on  
4 appeal is:

5	Anderson	US 2,770,380	Nov. 13, 1956
6	Meyer	US 4,573,856	Mar. 4, 1986
7	Salsburg	US 5,487,638	Jan. 30, 1996
8	Zaguroli	US 6,354,644 B1	Mar. 12, 2002
9	Focke	US 6,425,731 B2	Jul. 30, 2002

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11           Appellants contend that Zaguroli does not disclose a roll handling  
12 hoist including a chuck assembly movably joined to the vertical support  
13 assembly or a user control assembly that maintains a fixed position relative  
14 to the vertical support assembly when the chuck assembly is moved in a  
15 vertical direction.

16           Appellants also contend that Zaguroli does not disclose that the  
17 operating conditions for each of the roll interaction features is selected by  
18 the operator in a single step.

19           Appellants lastly contend that neither Zaguroli nor Focke discloses a  
20 visual alignment system comprising a visual access port in the chuck  
21 assembly.

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### ISSUES

24           The first issue is whether the Appellants have shown that the  
25 Examiner erred in finding that Zaguroli discloses a roll handling hoist  
26 including a chuck assembly movably joined to the vertical support assembly  
27 and a user control assembly that maintains a fixed position relative to the

1 vertical support assembly when the chuck assembly is moved in a vertical  
2 direction.

3 The second issue is whether the Appellants have shown that the  
4 Examiner erred in finding that Zaguroli discloses that the operating  
5 conditions for each of the roll interaction features is selected by the operator  
6 in a single step.

7 The last issue is whether the Appellants have shown that the Examiner  
8 erred in finding that Focke discloses a visual alignment system with a visual  
9 access port.

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11 FINDINGS OF FACT

12 Zaguroli discloses a roll handling hoist including a chuck assembly 22  
13 that is movably joined to a vertical support connected to a hoist 14. The  
14 vertical support is unnumbered but is depicted adjacent the numeral 10 in  
15 Figure 1 and adjacent the numeral 12 in Figure 5. The chuck 22 is movable  
16 from a horizontal position depicted in Figure 1 to a vertical position depicted  
17 in Figure 5. The vertical support does not move with the chuck 22. The  
18 hoist includes a user control assembly 28, 30 (col. 2, l. 66 to col. 3, l. 6).  
19 Zaguroli depicts in Figures 1 and 5 that the user control assembly 28, 30,  
20 attached by brackets 24, 26, 29 to the vertical support, remains in the same  
21 position relative to the vertical support when the chuck 22 is moved  
22 vertically from a position wherein the chuck is disposed horizontally to a  
23 position wherein the chuck is disposed vertically downward. The user  
24 control assembly can be operated manually or automatically to select the  
25 clamping or unclamping and push off of the rolls (col. 3, ll. 57 to 67).

1 Focke discloses an apparatus for handling reels including a visual  
2 alignment system 38 including a lens 39 seated in an indentation 40 which is  
3 open downwards in a bearing journal 21 (col. 4, ll. 31 to 46). Focke's  
4 camera records the position of the reel 10 to be received and the visual  
5 images recorded are processed by an electronic unit outside the bearing  
6 journal 21. The indentation 40 provides visual access to the lens 39 and  
7 therefore is a visual access port.

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## ANALYSIS

### 10 Anticipation

11 We are not persuaded of error on the part of the Examiner by  
12 Appellants' argument that Zaguroli does not disclose a roll handling hoist  
13 including a chuck assembly movably joined to the vertical support assembly  
14 and a user control assembly that maintains a fixed position relative to the  
15 vertical support assembly when the chuck assembly is moved in a vertical  
16 direction. As we found above the vertical support is the portion of the hoist  
17 near the numeral 10 in Figure 1 and 12 in Figure 5 rather than the support 21  
18 discussed by the Appellants in the brief (Brief 9). The chuck assembly 22 is  
19 clearly movably joined to this vertical support near 10 and 12 which is  
20 depicted in Figures 1 and 5 which show the chuck assembly 22 in a  
21 horizontal position in Figure 1 and moved vertically to a downward position  
22 in Figure 5. As shown by Figures 1 and 5 as the chuck assembly 22 is  
23 moved vertically, the user control assembly maintains a fixed position  
24 relative to the vertical support assembly near 10 and 12 in Figures 1 and 5.

25 In view of the foregoing, we will sustain the Examiner's rejection as it  
26 is directed to claim 1. We will also sustain the rejection as it is directed to

1 claims 5, 6, 8, 9, 10, 12, 14, and 25 because the Appellants have not argued  
2 the separate patentability of these claims.

3 In regard to claim 26, we are also not persuaded by Appellants'  
4 argument that the Examiner erred in finding that Zaguroli discloses that the  
5 operating conditions for each of the roll interaction features is selected by  
6 the operator in a single step. As Zaguroli discloses that the hoist can be  
7 manually or automatically controlled and said control can control the  
8 orientation of the hoist to pick up a roll in accordance to whether the roll is  
9 horizontally or vertically disposed, Zaguroli discloses selecting the operating  
10 conditions in a single step.

11 In view of the foregoing, we will sustain the Examiner's rejection of  
12 claim 26.

13

14 Obviousness

15 We are not persuaded of error by the Examiner by Appellants'  
16 argument that Focke does not disclose a visual alignment system with a  
17 visual access port. As we found above, Focke discloses a lens which is  
18 disposed in an indentation and said indentation provides visual access to the  
19 lens and as such comprises a visual access port.

20 In view of the foregoing, we will sustain the Examiner's rejection of  
21 claim 3. We will also sustain the Examiner's rejection of claims 2, 4, 17, 19,  
22 20 and 21 because the Appellants have not argued the separate patentability  
23 of these claims.

24 We will also sustain the Examiner's remaining rejections under 35  
25 U.S.C. § 103 because the Appellant has relied on the earlier made arguments  
26 made in response to the anticipation rejection that we found unpersuasive.

