

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GLENN A. MAYFIELD
and SHANNON EDWARDS

Appeal 2008-1620
Application 11/140,243
Technology Center 2800

Decided: July 28, 2008

Before BRADLEY R. GARRIS, CHARLES F. WARREN, and
THOMAS A. WALTZ, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 26, 27, 29, and 30. We have jurisdiction under 35 U.S.C. § 6.

We REVERSE.

Appellants claim a transformer comprising at least two magnetically coupled cores with at least one winding being wound on one of the cores (claim 26) or comprising more than two magnetically coupled cores with at least one winding being wound on each of at least two of the cores (claim 29).

Representative claims 26 and 29, which are the only independent claims on appeal, read as follows:

26. A transformer comprising at least two magnetically coupled cores with a common axis, the cores being stationary with respect to each other, at least one winding being wound on one of the cores, the cores having cross sectional configurations transverse to the common axis which are not rectangular, at least one of the cores constructed from moldable ferromagnetic material.

29. A transformer comprising more than two magnetically coupled cores with a common axis, the cores being stationary with respect to each other, the cores having cross sectional configurations transverse to the common axis which are not rectangular, at least one winding being wound on each of at least two of the cores, at least one of the cores being constructed from moldable ferromagnetic material.

The references set forth below are relied upon by the Examiner as evidence of obviousness:

Fischer	1,832,290	Nov. 17, 1931
Eckert, Jr. (Eckert)	2,825,869	Mar. 4, 1958

All appealed claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Eckert.

We can not sustain this rejection for the reasons expressed in the Appeal and Reply Briefs as emphasized below.

On this record, Appellants do not contest the Examiner's conclusion that it would have been obvious for a person of ordinary skill in this art to

construct the cores of Fischer's transformer from moldable ferromagnetic material in view of Eckert. Instead, Appellants dispute the Examiner's finding that Fischer discloses the number of cores and windings required by independent claims 26 and 29 (as well as dependent claim 27) (*Cf.*, Ans. 3, 5 with App. Br. 8-9 and Reply Br. 1-3). For a number of reasons, we agree with Appellants that the Examiner has erred in finding that Fischer satisfies the afore-noted claim requirements.

First, it is reasonably apparent that the Examiner has relied upon the Figure 1 disclosure of Fischer to satisfy the multiple core requirement of independent claims 26 and 29 while relying upon the Figure 2 disclosure of Fischer for satisfying the multiple windings requirement of dependent claim 27 and independent claim 29 (Ans. 5). However, the Figures 1 and 2 embodiments of Fischer are unrelated to one another. Therefore, it was improper for the Examiner to rely upon these unrelated embodiments in an attempt to satisfy the claim requirements under consideration. *See In re Arkley*, 455 F.2d 586, 587-88 (CCPA 1972) (findings that claim requirements are satisfied must not involve picking, choosing and combining various disclosures not directly related to each other by the teachings of the cited reference).

In addition, the Examiner erroneously finds that the two or more cores required by independent claims 26 and 29 are satisfied by Fischer's Figure 1 disclosure of cores halves 1, 2 and magnetic material layers 4, 5 (Fischer, ¶ bridging pages 1-2; Ans. 5). In an attempt to establish the propriety of this finding, the Examiner states that, "[a]s shown in figure 1 of Eckert [sic, Fischer], cores [sic, core halves] 1, 2 are similar to core portions 78, 80 in figure 3b of the application" (Ans. 5). However, elements 78, 80 of

Appellants' Figure 3b are disclosed as "core halves" (Spec. 13, l. 12) just as Fischer's Figure 1 elements 1, 2 are disclosed as cores halves. Moreover, according to Appellants' disclosure, the core 72 is produced when core halves 78, 80 are coupled together (Spec. 13, ll. 10-11).

Under these circumstances, it does not appear to be reasonable and consistent with the Specification disclosure to interpret Appellants' claimed cores as encompassing (i.e., satisfied by) the core halves 1, 2 of Fischer's Figure 1 embodiment. *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (during examination claims should be given their broadest reasonable interpretation consistent with the specification). Moreover, no explanation whatsoever has been provided in support of the Examiner's implicit belief (Ans. 5) that it is reasonable and consistent with the Specification to interpret Appellants' claimed cores as encompassing (i.e., satisfied by) the magnetic material layers 4, 5 of Fischer's Figure 1 embodiment.

Though not articulated with any reasonable specificity, the Examiner also may believe that the cores required by independent claims 26 and 29 are satisfied by the core halves 11, 12 and magnetic material layers 13, 14, 15, 16 of Fischer's Figure 2 embodiment (Ans. 3). Such a belief is not well taken for reasons analogous to those discussed above with respect to Fischer's Figure 1 embodiment.

In light of the foregoing, we do not sustain the § 103 rejection of all appealed claims as being unpatentable over Fischer in view of Eckert.

Appeal 2008-1620
Application 11/140,243

The decision of the Examiner is reversed.

REVERSED

cam

BARNES & THORNBURGH LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204