

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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*Ex parte* TEOH CLIFFORD

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Appeal 2008-3042  
Application 10/185,671  
Technology Center 3700

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Decided: August 27, 2008

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Before LORA M. GREEN, RICHARD M. LEBOVITZ, and  
JEFFREY N. FREDMAN, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

**DECISION ON APPEAL**

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 89-111 and 143-148. We have jurisdiction under 35 U.S.C. § 6(b).

### STATEMENT OF THE CASE

The claims are directed to a vaso-occlusive device and a catheter assembly for occluding a body cavity. Claims 89 and 101 are the independent claims on appeal, and read as follows:

89. A vaso-occlusive device, comprising:

a primary coil having a proximal end, a distal end, and a lumen, the primary coil comprising windings;

a stretch-resisting member extending through at least a portion of the coil lumen and being coupled to the primary coil; and

an anchor assembly fixedly coupled with the primary coil, the anchor assembly comprising an anchor coil having windings inter-wound between the primary coil windings, wherein the primary coil and anchor coil have approximately the same diameter.

101. A catheter assembly for occluding a body cavity comprising:

a delivery device having a distal end; and

a vaso-occlusive device associated with the distal end of the delivery device, the vaso-occlusive device comprising:

a primary coil having a proximal end, a distal end, and a lumen, the primary coil comprising windings;

a stretch-resisting member extending through at least a portion of the coil lumen and being coupled to the primary coil; and

an anchor assembly fixedly coupled with the primary coil, the anchor assembly comprising an anchor coil having windings inter-wound between the primary coil windings, wherein the primary coil and anchor coil have approximately the same diameter.

The Examiner relies on the following references:

Bashiri	U.S. 6,165,178	Dec. 26, 2000
Ken et al.	U.S. 6,193,728 B1	Feb. 27, 2001
Klint	U.S. 2001/0044633 A1	Nov. 22, 2001

We reverse.

### ISSUE (Anticipation)

The Examiner contends that claims 89-93, 96-111, 143, and 144 are anticipated by Bashiri (Ans. 3). The Examiner further contends that as the anchor coil of Bashiri is “within” the outer primary coil, and both are wound, “one could have wound both simultaneously (just merely one above the other) thereby interwinding them forming a lumen in the center.” (Ans. 4)

Appellant contends that Bashiri does not teach a vaso-occlusive device wherein the anchor coil has “*windings inter-wound between the primary coil windings*” (App. Br. 5) as required by the claims. Appellant contends further that the Examiner has misinterpreted the term “inter-wound.” (*Id.*)

Thus, the issue on appeal is: What is the proper interpretation of “inter-wound” as used in the appealed claims?

### FINDINGS OF FACT

FF1. “Vaso-occlusion devices are surgical implements or implants that are placed within the vasculature of the human body, typically via a catheter, to block the flow of blood through a vessel or an aneurysm stemming from the vessel via formation of the embolus. One widely used vaso-occlusive device is a helical wire coil having windings that may be dimensioned to engage the walls of an aneurysm.” (Spec. 1.)

FF2. As to the claimed device, the Specification teaches, referring to Figures 4A-4D, that the proximal end of the primary coil has an open pitch, which allows windings from the anchor coil to be incorporated into the

space between the consecutive windings of the open coil (Spec. 22-23). The Specification further teaches that:

[T]he anchor coil 232 . . . is inserted into the proximal end 204 of the primary coil 202 . . . by twisting the distal end 240 of the anchor coil 232 into the lumen 205 of the primary coil 202, such that the windings 216 from the anchor coil 232 are situated in the space 214 between adjacent primary coil windings 212.

(*Id.* at 24.)

FF3. Claims 89-93, 96-11, 143, and 144 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bashiri (Ans. 3).

FF4. Bashiri is cited for teaching a vaso-occlusive device (Ans. 3). The Examiner specifically relies on Figure 3, finding that “the winding of each anchor coil is located in-between adjacent windings of the primary coil. Plus, initially, the first two windings of the anchor coil are located in-between the first primary coil winding.” (Ans. 4.)

FF5. The Examiner finds further:

In regard to claims 89 and 101, the coils are interpreted as reading on interwound. This is for several reasons. Interwind according to Dictionary.com states that interwind means to “wind together” or “intertwine.”

To wind often means to wrap about another object or to generally move in a curving/twisting/circular motion. Both the anchor and primary coils clearly “wind.” Therefore, it is more of whether they are “inter”-wound. The prefix inter- means to be between, among, in the midst of, or within. Since the anchor coil is “within” the outer primary coil, and both are wound, one could have wound both simultaneously (just merely one above the other) thereby interwinding them forming a lumen in the center. This is further supported by considering twine and intertwine. Twine can mean to “encircle or coil about” and intertwine can generally mean to “twine together.” So if both

the anchor and primary coils “encircle or coil about” together, they are intertwined.

(Ans. 4.)

FF6. Figure 3 of Bashiri, relied upon by the Examiner, is reproduced below:

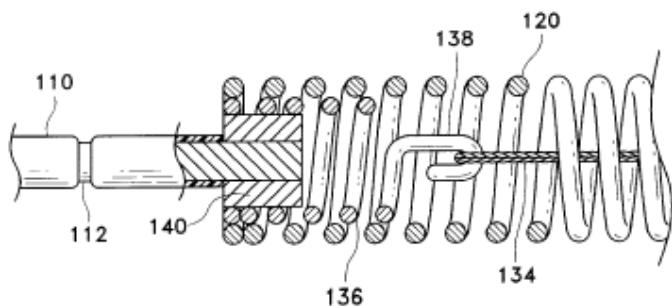


Fig. 3

Figure 3 shows a cross-section of a variation of the implant of Bashiri (col. 5, ll. 56-57). The implant 120 is a helically wound coil having a stretch resistant member 134 through the center lumen, wherein the stretch resistant member is attached to an *interior* anchor coil 136 having a distal hook 138 (Bashiri col. 5, l. 56-col. 6, l. 6).

FF7. Thus, we find that the anchor coil of Bashiri is completely within the primary coil of the implant of Bashiri.

#### PRINCIPLES OF LAW

During prosecution before the Office, claims are to be given their broadest reasonable interpretation consistent with the Specification as it would be interpreted by one of ordinary skill in the art. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1364 (Fed. Cir. 2004).

While it is true that limitations may not be imported into the claims from the Specification, it is equally true that claim language must not be read in isolation but, rather, must be interpreted in light of the disclosure in the Specification. The Specification “is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.” *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) (*en banc*).

## ANALYSIS

Claims 89 and 101, the independent claims on appeal, each require that “the anchor assembly comprising an anchor coil having windings interwound between the primary coil windings.” Based on the teachings of the Specification (FF2-3), we interpret that phrase as requiring that the windings of the anchor coil are *between* the windings of the primary coil, such that the diameter of the winding of the anchor coil is approximately the same as the diameter as the winding of the primary coil. This interpretation is also consistent with the ordinary meaning of “interwound” to mean “intertwine” (Ans. 4). That interpretation excludes the implant of Bashiri, wherein the anchor coil of Bashiri is completely within the primary coil of the implant of Bashiri (FF7). The Examiner has presented no evidence to suggest that a reasonable interpretation of “interwound” would encompass the situation where one coil is entirely within another coil, rather than requiring some degree of “intertwining” of the coils. We thus reverse the rejection of claims 89-93, 96-11, 143, and 144 under 35 U.S.C. § 102(b) as being anticipated by Bashiri.

Claims 94 and 95 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Bashiri and Ken. As Ken is relied upon for teaching that a stretch resistant member is attached to the distal end of the primary coil, it fails to remedy the deficiencies of Bashiri, and the rejection is reversed.

#### CONCLUSION

The rejection of claims 89-93, 96-11, 143, and 144 under 35 U.S.C. § 102(b) as being anticipated by Bashiri.

Claims 94 and 95 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Bashiri and Ken (Ans. 5). As Ken is relied upon for teaching that a stretch resistant member is attached to the distal end of the primary coil, it fails to remedy the deficiencies of Bashiri, and the rejection is reversed.

Claims 145 and 146 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Bashiri and Clint (Ans. 5-6). Clint is relied upon for teaching multi-filament coils (Ans. 8), and thus fails to remedy the deficiencies of Bashiri. This rejection is also reversed.

Finally, claims 147 and 148 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bashiri (Ans. 6). This rejection suffers from the same deficiencies as the anticipation rejection over Bashiri, and we therefore reverse this rejection as well.

REVERSED

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