

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JULIEN MAURY and STEFAN HUGEL

Appeal 2008-3688
Application 10/405,518
Technology Center 3600

Decided: September 25, 2008

Before: MURRIEL E. CRAWFORD, HUBERT C. LORIN, and DAVID B. WALKER, *Administrative Patent Judges.*

CRAWFORD, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 1 to 3, 6, and 7. Claims 4 and 5 have been cancelled.

The claimed invention is directed to a mechanism for engaging a safety gear for an elevator car including a removable locking element for

retaining the release mechanism in an unreleased position. Claim 1, reproduced below, is further illustrative of the claimed subject matter.

1. A mechanism for engaging a safety gear for an elevator car or counterweight of an elevator in which the elevator includes an overspeed governor supervising the speed of the elevator car which is connected by means of a hoist rope with the counterweight, and in which motion of the elevator car or counterweight is transferred to the overspeed governor by means of a governor rope, the overspeed governor triggering the stopping of the elevator by engagement of the safety gear in an overspeed condition, the mechanism comprising: a release mechanism including a retaining spring connected to a release lever for applying a retaining force of a particular magnitude thereto for retaining the release mechanism in an unreleased position until a release force of a magnitude sufficient to overcome the particular magnitude force is applied to the release lever and a removable locking element connected to the release lever for applying a retaining force of a magnitude greater than the particular magnitude for retaining the release mechanism in an unreleased position, and a rope brake acting on the governor rope to provide a force to activate the release mechanism in an overspeed condition whereby the retaining spring prevents release of the safety gear during normal operation until the overspeed condition is reached and the locking element when connected to the release lever retains the release mechanism in an unreleased condition during conditions when a greater release force magnitude is desired.

The references of record relied upon by the Examiner as evidence of obviousness are:

Dunlop	US 1,937,035	Nov. 28, 1933
Thorne	US 3,441,107	Apr. 29, 1969

Claims 1 and 6/1 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dunlop.

Claims 2, 3 and 6/2 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Dunlop.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Dunlop in view of Thorne.

OPINION

We have carefully reviewed the rejections on appeal in light of the arguments of the Appellants and the Examiner. As a result of this review, we have reached the conclusion that the applied prior art does not anticipate the subject matter of claims 1 and 6/1 or establish the prima facie obviousness of the claims 2, 3, 6/2 and 7. Therefore the rejections on appeal are reversed. Our reasons follow.

The following comprise our finding of facts with respect to the scope and content of the prior art and the differences between the prior art and the claimed subject matter. Dunlop discloses a retaining mechanism for engaging a safety gear for an elevator. The mechanism includes a release mechanism which includes a release spring 33 connected to a release lever 25 (Figure 1). The spring 33 applies a retaining force to retain the retaining mechanism in an unreleased position. When the elevator speed increases to a predetermined level, a governor 41 trips rope gripping jaws 44 to lock the governor rope 37 in place. Upon the further downward movement of the

elevator, the locking of the governor rope causes a minnie ball 36 to be released from a clip 38. After the minnie ball is released from the clip 38 further movement of the elevator downward pulls the safety cable 35 taut and thereby overcomes the force of spring 33 and lifts the actuator rod 31 to thereby deenergize the hoist motor (page 2, ll. 135 to 146). Although the clip 38 is a removable element, it does not apply a retaining force to retain the release mechanism in an unreleased position. Rather, the release mechanism is retained by the action of spring 33. Figure 1 shows the release mechanism in an unreleased position and the clip 38 connected to release lever 25 through cable 35 and actuator rod 31. In this unreleased position, the cable 35 is slack thereby exerting no retaining force. In fact, the clip 38 never exerts a retaining force. The minnie ball in the unreleased position of the mechanism exerts no retaining force. If the elevator speed were to reach a predetermined level, the minnie ball separates from the clip 38 and exerts an upward force to release the release lever and thereby stop the motor.

The disagreement between the Appellants and the Examiner is with respect to whether Dunlop discloses a removable locking element in the form of clip 38 connected to the release lever for applying a retaining force of a magnitude greater than the particular magnitude applied by the spring 33 to retain the mechanism in an unreleased position. The clip 38 of Dunlop does not apply a retaining force of any magnitude. We are thus in agreement with Appellant that Dunlop does not disclose a removable locking member as recited in claim 1 from which claims 2, 3, and 6 and 7 depend.

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The Examiner's decision is reversed.

REVERSED

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