

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS M. GOMBOS

Appeal No. 96-4157
Application 08/142,772¹

ON BRIEF

Before ABRAMS, McQUADE and CRAWFORD, Administrative Patent Judges.

McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Thomas M. Gombos appeals from the final rejection of

¹ Application for patent filed October 25, 1993.

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claims 4, 6 and 10 through 18, all of the claims pending in the application. We reverse.

The invention relates to "a method of and apparatus for installing filter cartridges into a dust collector or other pollution control device" (specification, page 1). A copy of the appealed claims appears in the appendix to the appellant's brief (Paper No. 18).

The items relied upon by the examiner as evidence of obviousness are:

Berglund	4,141,704	Feb. 27,
1979		
Brunner	4,632,681	Dec. 30,
1986		

The items relied upon by the appellant as evidence of non-obviousness are:

The 37 CFR § 1.132 Declarations filed on August 1, 1994 and February 27, 1995 (Paper Nos. 8 and 12)

Claims 4, 6 and 10 through 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brunner in view of Berglund.

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Reference is made to the appellant's brief (Paper No. 18) and to the examiner's answer (Paper No. 19) for the respective positions of the appellant and the examiner with regard to the merits of this rejection.

Brunner, the examiner's primary reference, discloses a dust collector in the form of a filter unit 10. The unit includes a housing 11 divided by an apertured tube sheet 14 into a lower

dirty air chamber 15 and an upper clean air chamber 16, flanged filter elements 22 mounted in the lower chamber in alignment with respective apertures in the tube sheet, elongate rails 44 for slidably supporting the filter elements as they are inserted into and withdrawn from the unit, and locking bars 32 pivotally mounted adjacent respective rails for lifting the filter elements from the rails into sealing engagement with the tube sheet. The locking bars act against the flanges of the filter elements via springs 35 disposed on the upper surfaces of the locking bars. The purpose of the springs is to accommodate surface irregularities on the tube

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sheet which might inhibit a proper seal with the filter elements.

As conceded by the examiner (see page 5 in the answer), Brunner does not teach, and would not have suggested, a dust collector or filter installation method meeting the limitations in independent claims 4 and 18 requiring locking bars having free edges which act against filter cartridge flange(s). The examiner's reliance on Berglund to cure this deficiency is not well founded.

Berglund discloses an arrangement for clamping a filter cassette within a filter housing. The clamping arrangement includes L-shaped bars 9 within the filter housing for slidably

supporting the filter cassette during insertion and withdrawal, and a cam-type actuator disposed beneath the bars (see Figures 2 and 3) for lifting them toward a connecting frame 23 in the housing. In the upper position of the bars, broad side surfaces thereon act against flanges on the filter cassette to press the filter cassette into sealing engagement

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with the connecting frame (see Figure 7).

According to the examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to "substitute the L-shaped locking bar of Berglund [sic] for the locking bar of Brunner in the dust collector in that mere substitution of one known alternative locking bar arrangement for another being within the scope of one of ordinary skill in the art" (answer, pages 5 and 6). However, this highly selective piecing together of disparate locking bar mechanisms finds no support in the fair teachings of Brunner and Berglund. Indeed, the fundamental differences between the Brunner and Berglund mechanisms clearly belie the examiner's rationale that the proposed combination merely involves the substitution of one known alternative locking bar arrangement for another.

Moreover, even if Brunner and Berglund were combined in the manner proposed, the resulting dust collector and filter

installation method still would fail to meet the limitations in claims 4 and 18 requiring locking bars having free edges

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which act against filter cartridge flange(s). As indicated above, Berglund's locking bars 9 act against filter cassette flanges via broad side surfaces on the bars. The examiner's insistence that each of these broad side surfaces constitutes a "free edge" as recited in the appellant's claims (see page 7 in the answer) runs counter to any reasonable interpretation of this term.

Thus, the examiner's prior art evidence fails to establish a prima facie case of obviousness with respect to the subject matter recited in claims 4 and 18, and in claims 6 and 10 through 17 which depend from claim 4.² Accordingly, we shall not sustain the standing 35 U.S.C. § 103 rejection of these claims.

² This being so, we find it unnecessary to delve into the merits of the appellant's evidence of non-obviousness.

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The decision of the examiner is reversed.

REVERSED

NEAL E. ABRAMS)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JOHN P. McQUADE)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
MURRIEL E. CRAWFORD)	
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