

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAKESHI YAMAMORI

Appeal No. 97-4154
Application No. 08/292,418¹

ON BRIEF

Before KRASS, FLEMING, and RUGGIERO, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 8 through 21. Claim 7 has been canceled and claims 1

¹Application for patent filed August 18, 1994.

through 6 have been withdrawn as being directed to a non-elected invention.²

The invention is directed to a wrist band antenna for a wrist watch-style pager. More particularly, the antenna is U-shaped in structure and is mounted inside at least one part of the wrist band, wherein the opposite ends of the U-shaped structure are connected to the pager mainbody.

Independent claim 8 is reproduced as follows:

8. A wrist band antenna for communicating received signals to a receiver disposed within a main body having opposed ends, comprising:

an elongated bendable band having upper and lower surfaces and opposed ends, each end defining an opening at the same opposed end of the main body; and

a loop antenna extending between the surfaces of the band to receive signals, wherein the antenna has a substantially U-shaped structure having two opposed ends located at the same end of the band, each end having an RF coupler extending through an opening, and wherein the loop antenna extends the length of approximately less than one-half the length of the band.

The examiner relies on the following reference:

Fujisawa et al. (Fujisawa)	5,465,098	Nov. 7,
1995		

²Claims 1 through 6 are being prosecuted in a divisional application, Serial No. 08/439,523.

(102(e) date: June 29, 1993)

Claims 8, 9, 11 through 16 and 18 through 21 stand rejected under 35 U.S.C. 102(e) as anticipated by Fujisawa. Claims 10 and 17 stand rejected under 35 U.S.C. 103 as unpatentable over Fujisawa.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

OPINION

We reverse.

Independent claim 8 calls for, inter alia, "a loop antenna...wherein the antenna has a substantially U-shaped structure having two opposed ends located at the same end of the band..."

The examiner equates such recited structure with the antenna structure shown in Figures 16, 17a and 17b of Fujisawa.

It is true that, like the instant invention, Fujisawa seeks to obtain a stable operation of an antenna without being affected by different sizes of wrist bands. It is also true, like the instant invention, that Fujisawa achieves the desired result by not permitting the antenna to be connected through

the clasp of the wrist band. However, unlike the instant invention wherein a loop antenna has a substantially U-shaped structure having two opposed ends located at the same end of the band, Fujisawa's antenna has a portion on each of the two sections of the band, wherein the antenna portions are connected and joined through the pager mainbody.

While the examiner is clearly interpreting only one portion of Fujisawa's antenna (e.g., the left hand portion in Figure 17a made up of end sections 531a and 531b, having a U-shaped structure with slot 53a therebetween), to be the claimed loop antenna, the examiner's interpretation, in our view, is misplaced. It is clear, from the description at columns 11-12 of Fujisawa, that the antenna of Fujisawa is the complete structure comprising end section 531a joined, through the transceiver circuit board 567, to end section 532a on the other band section and end section 531b joined, through the transceiver circuit board 567, to end section 532b on the other band section. Thus, when viewed in its entirety, the antenna depicted in Figure 17a of Fujisawa, relied on by the examiner, is not a U-shaped loop antenna at all. Rather, the loop of

Fujisawa's antenna is completely closed. The examiner may not dissect the antenna disclosed by Fujisawa and rely on only one section thereof to anticipate the claimed antenna. Clearly, since Fujisawa's antenna, as a whole, is not U-shaped in structure, it does not have two opposed ends located at the same end of the band, as required by independent claim 8.

Accordingly, Fujisawa does not anticipate the instant claimed subject matter within the meaning of 35 U.S.C. 102(e). Further, we find no suggestion to modify Fujisawa's antenna in order to result in the claimed subject matter within the meaning of 35 U.S.C. 103.

The examiner's decision rejecting claims 8, 9, 11 through 16 and 18 through 21 under 35 U.S.C. 102(e) and rejecting claims 10 and 17 under 35 U.S.C. 103 is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JOSEPH F. RUGGIERO)	
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