

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAHO TAGHEZOUT

Appeal No. 2000-1951
Application No. 08/980,969

ON BRIEF

Before KRASS, GROSS and SAADAT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-10, all of the pending claims.

The invention is directed to a single phase electromechanical transducer especially useful in a horological instrument such as a watch. In particular, the stator of the transducer has a planar structure and the rotor has one permanent, bipolar magnet.

The planar structure of the stator is such that the structure defines two stator magnetic

poles and the second magnetic pole surrounds the part of the planar structure defining the first magnetic stator pole.

Representative independent claim 1 is reproduced as follows:

1. A monophasic electromechanical transducer in particular of the horological type including

- a stator made of magnetic material;
- a rotor including a permanent magnet;
- a coil;

said stator including a planar structure and a core around which said coil is mounted, said planar structure defining two magnetic stator poles whose two respective polar expansions define a hole through which said rotor passes, the permanent magnet of such rotor being magnetically coupled to said two polar expansions, said core having its first and second ends respectively connected to said two magnetic stator poles,

wherein said coil is situated in an opening, provided in said planar structure, the edge of which is closed on itself so that the part of said planar structure defining said second magnetic pole surrounds the part of this planar structure defining said first magnetic stator pole and said coil in projection in the general plane of said planar structure.

The examiner relies on the following references:

Xuan	4,563,604	Jan. 07, 1986
Galie et al. (Galie)	4,886,988	Dec. 12, 1989
Triponez et al. (Triponez)	5,172,349	Dec. 15, 1992

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as anticipated by Xuan.

Claims 3-10 stand rejected under 35 U.S.C. § 103. As evidence of obviousness,

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the examiner cites Xuan and Galie with regard to claims 3 and 10, and Xuan and Triponez with regard to claims 4-9.

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

OPINION

In accordance with appellant's grouping of the claims at the bottom of page 2 of the principal brief, all claims will stand or fall together. Accordingly, we will focus on instant independent claim 1.

Thus, the issue before us is whether claim 1 is anticipated under 35 U.S.C. § 102(b) by Xuan. The more specific issue is whether Xuan teaches the claim limitation, "so that the part of said planar structure defining said second magnetic pole surrounds the part of this planar structure defining said first magnetic stator pole..."

The applied references to Galie and Triponez will have no bearing on our decision herein since, if we find for the examiner on the 35 U.S.C. § 102(b) issue, claims 3-10, rejected under 35 U.S.C. § 103, will fall with claim 1 and, if we find for appellant on the 35 U.S.C. § 102(b) issue, neither Galie nor Triponez provides for the language, "planar structure defining said second magnetic pole surrounds the part of this planar structure defining said first magnetic stator pole" and there are no arguments presented to the contrary.

We find for appellant as the examiner has failed to present a prima facie case of anticipation with regard to the subject matter of instant claim 1.

The examiner's statement of rejection regarding claim 1 is that it is rejected as "being clearly anticipated by Xuan" [Final Rejection-Paper No. 9 -page 2]. No rationale, or explanation of any kind, is presented by the examiner until the examiner's response to the principal brief, at page 4 of the answer. At that point, the examiner points to Figure 1 of Xuan, identifying stator 1, rotor 9 or 10, and a coil 2 wrapped around a core 12. The examiner then asserts that the stator of Xuan has a planar structure defining two magnetic poles formed on either side of the rotor opening and that polar extensions of the poles define the opening for the rotor. The examiner contends that "the part of the planar structure forming the second magnetic pole (the part of the stator forming cores 11 and 13) surrounds the portion of the planar structure which forms the first pole (near the end of core 12) since the planar structure is continuous around its perimeter" [answer-page 4].

It is unclear to us as to exactly what the examiner is identifying in Xuan, as the claimed "first" and "second" magnetic stator poles. However, even assuming the examiner is correct in the assessment that the instant claim "does not specifically set forth where the pole begins and ends," [answer-page 4] and that *some* part of Xuan's stator surrounds some other part of the stator, one cannot just pick *any* portion of the stator as the "second magnetic pole" and arbitrarily say that it "surrounds" another part of the stator structure

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ANITA PELLMAN GROSS
Administrative Patent Judge

MAHSHID D. SAADAT
Administrative Patent Judge

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