

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(2) is not binding precedent of the Board.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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

\_\_\_\_\_  
Ex parte ROBERTSON C. MILLER

\_\_\_\_\_  
Appeal No. 96-2990  
Application 08/109,046<sup>1</sup>

\_\_\_\_\_  
ON BRIEF  
\_\_\_\_\_

Before THOMAS, JERRY SMITH, and FLEMING, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

\_\_\_\_\_  
<sup>1</sup> Application for patent filed August 19, 1993.

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DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's final rejection of claims 1 to 18, which constitute all the claims in the application.

Independent claim 1 is reproduced below:

1. A portable GPS receiver unit comprising:

a GPS receiver engine;

a housing enclosing said receiver engine; and

a GPS antenna electrically connected to said receiver engine and being mountable on said housing for movement separate from said receiver engine between a retracted position within said housing and an extended position protruding from said housing.

The following references are relied on by the examiner:

Olson	2,486,536	Nov. 1, 1949
Lidz	2,565,661	Aug. 28, 1951
Zibrik et al. (Zibrik)	5,138,328	Aug. 11, 1992
Maroun et al. (Maroun)	5,300,938	Apr. 5, 1994
	(filing date Dec. 7, 1992)	

Claims 1 to 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zibrik.

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Claims 1 to 18 stand rejected under 35 U.S.C. § 103. In a first rejection, the examiner relies upon Zibrik in view of Lidz and in the second rejection, Olson in view of Maroun.

Rather than repeat the positions of the appellant and the examiner, reference is made to the Brief and the Answer for the respective details thereof.

#### OPINION

Generally for the reasons presented by appellant in the Brief, we reverse each of the respective rejections of the claims on appeal.

As to the rejection under 35 U.S.C. § 102, we note that Zibrik does not teach the claimed GPS receiver engine, nor does it teach the claimed GPS antenna. As such, Zibrik fails to meet the other limitations of independent claim 1 on appeal relating to a housing enclosing the GPS receiver engine and the GPS antenna electrically connected to that receiver engine and being mountable in the housing in a particular movable arrangement.

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The examiner's position that the modifier "GPS" has been given no patentable weight is in error. The entire background of appellant's invention from page 1 through the top of page 3 of the specification as filed clearly establishes that GPS receivers and antennas have an established, well known meaning in the art. As such, GPS receivers and antennas must be given patentable weight.

We also reverse both rejections under 35 U.S.C. § 103 essentially for the same reasons. Lidz, Olson, and Maroun fail to teach or suggest to the artisan anything relative to GPS receivers or antennas. Therefore, the combination of teachings of Zibrik and Lidz and of Olson and Maroun, even if properly combinable within 35 U.S.C. § 103, would not have met the limitations noted earlier in independent claim 1 on appeal. Again, the art has well recognized structural and functional meanings attached to the term "GPS" as applied to receivers and antenna structures, contrary to the examiner's views.

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Inasmuch as we have reversed the rejection of independent claim 1 under 35 U.S.C. § 102 and under 35 U.S.C. § 103, the respective rejections of the dependent claims must also be

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reversed. Therefore, the decision of the examiner rejecting claims 1 to 18 under 35 U.S.C. §§ 102/103 must be reversed.<sup>2</sup>

REVERSED

James D. Thomas	)	
Administrative Patent Judge	)	
	)	
	)	
Jerry Smith	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
Michael R. Fleming	)	
Administrative Patent Judge	)	

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<sup>2</sup> The examiner would be well advised to reconsider the admitted prior art in the background of the invention from page 1 to the top of page 3 of the specification as filed as well as the recognition of certain prior art admissions contained in the body of the specification in combination with the art of record and/or any other art the examiner may be aware of, since we have found GPS receivers and antennas have well established meanings in the art.

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