

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(2) is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FERDINAND-JOSEF HERMANNNS,
WILHELM ZITZEN,
and
ULRICH WIRTZ

Appeal No. 97-1144
Application 08/326,608¹

ON BRIEF

Before CALVERT, COHEN and ABRAMS, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

¹ Application for patent filed October 20, 1994.

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DECISION ON APPEAL

This is an appeal from the refusal of the examiner to allow claims 4 and 7 through 13. Claims 5 and 6, the only other claims remaining in the application, stand objected to by the examiner, but are otherwise indicated to be allowable if rewritten in independent form.

Appellants' invention pertains to an improvement in a textile bobbin winding machine. An understanding of the invention can be derived from a reading of exemplary claim 1, a copy of which appears in the appendix to appellants' brief.

As evidence of obviousness, the examiner has applied the patents listed below:

O'Brien	3,393,879	Jul. 23, 1968
Nel	4,716,648	Jan. 5, 1988
Prodi et al. (Prodi)	5,056,724	Oct. 15, 1991

The following rejections are before us for review.

Claims 7 through 13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Prodi in view of Nel.

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Claim 4 stands rejected under 35 U.S.C. § 103 as being unpatentable over Prodi in view of Nel, as applied to claims 7 through 13 above, further in view of O'Brien.

The full text of the examiner's rejections and response to the argument presented by appellants appears in the answer (Paper No. 17), while the complete statement of appellants' argument can be found in the brief (Paper No 16).

In the brief (page 5), appellants indicate that claim 8 and dependent claims 4, 7, and 9 through 12 stand or fall together, while independent claim 13 stands or falls alone. Accordingly, we focus our attention exclusively upon claims 8 and 13, *infra*.

OPINION

In reaching our conclusion on the obviousness issue raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied patents,² and the respective viewpoints of appellants and the

² In our evaluation of the applied teachings, we have
(continued...)

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examiner. As a consequence of our review, we make the determination which follows.

We reverse the examiner's respective rejections of claims 8 and 13. It follows that the dependent claims stand therewith.

This panel of the board fully comprehends the examiner's point of view, as expressed in the answer (Paper No. 17). However, for the reasons articulated below, we have concluded that the claimed subject matter would not have been obvious based upon the evidence of obviousness before us.

At the outset, we point out that, as disclosed (specification, pages 1, 2, and 3), an objective of the invention (easier to perform maintenance) is accomplished by providing a

²(...continued)
considered all of the disclosure of each teaching for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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device for winding of yarn packages on a bobbin work station of a textile machine which comprises a housing, with the motor for driving a friction roller means for surface driving of a bobbin during winding thereof comprising a stator directly received within the housing. As further expressed by appellants (specification, page 6), the housing 12 for the operational units of the work station 1 also serves as the housing for a drive motor 15 for the friction roller 5, the motor 15 being received in the recess of housing 12. The stator windings 16 of the motor are received in the recess 14 of the housing while rotor 17 of the drive motor 15 is fastened on shaft 11 (Figure 1).

Claims 8 and 13, in the format of 37 CFR § 1.75(e), set forth that in a textile bobbin winding machine, a device for winding yarn packages at a work station of the winding machine, the improvement comprising, inter alia, a motor including a stator and rotor, a bobbin winder work station housing having a recess formed therein (claim 8) or a stator-receiving recess (claim 13), with the recess having the stator received and retained thereon (claim 8) or therein (claim 13).

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We appreciate that the bobbin winder work station housing of claims 8 and 13 has the recess that receives and retains thereon and therein the stator, respectively. In light of appellants' underlying disclosure (specification, page 6, and drawings), we understand this claim language to denote that the bobbin winder work station housing is the housing of the motor. This viewpoint is consistent with appellants' disclosure wherein the motor has no separate housing apart from the housing of the bobbin winder work station housing. This claim interpretation is also the apparent understanding of appellants, as we derive from their argument (brief, pages 9 and 10).

Turning now to the applied prior art we find that, in each of the Prodi and Nel patents, motors are surrounded by motor housings in a conventional fashion. More specifically, the casing for motor 8 in Prodi and the casing 10 for the motor of Nel are clearly shown, with those casings being respectively within the collection unit 5 and the casing cover 54. The patents relied upon simply do not teach or suggest a recess of the collection unit structure (Prodi) or the casing cover (Nel)

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to receive and retain thereon or therein the stator of a motor. Accordingly, even if the Prodi and Nel references are combined as proposed in the rejection, the claimed invention would not result. As a final note, we point out that a review of the O'Brien patent reveals to us that this reference does not overcome the deficiency of the Prodi and Nel documents.

In summary, this panel of the board has reversed the respective rejections of appellants' claims 7 through 13 and claim 4 under 35 U.S.C. § 103.

The decision of the examiner is reversed.

REVERSED

IAN A. CALVERT)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
IRWIN CHARLES COHEN)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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NEAL E. ABRAMS)
Administrative Patent Judge)

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