

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(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHIO YOTSUYA

Appeal No. 1997-3476
Application 08/341,149

ON BRIEF

Before THOMAS, HAIRSTON and RUGGIERO, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's final rejection of claims 1, 3, 4, 6 and 11 through 15, appellant having canceled claims 2, 5 and 7 through 10.

Representative claim 1 is reproduced below:

1. A flying type head slider having a rear surface which faces a recording surface of a magnetic disk comprising:

a center rail formed on the rear surface of said slider, said center rail having a regularly rectangular shape with

straight parallel side walls which extend along the full length of said center rail;

a magnetic head disposed on said slider so as to be aligned with said center rail and proximate an edge of said slider;

a pair of side rails formed on the rear surface of said slider, said pair of side rails respectively having regular rectangular shapes with straight parallel inner and outer side walls which extend along the full length of each side rails, said side rails being respectively located on either side of said center rail, the inner side walls of said side rails respectively facing a side wall of the center rail, the outer side walls of said side rails having a surface which is angled relative to a side wall of the center rail such that the magnetic head floats above the recording surface of the magnetic disc on a supporting force generated by air flowing between the rails and the recording surface of the rotating magnetic disk, wherein said side rails have chamfer-like tapered portions and are symmetrically disposed on the rear surface in a non-parallel angled relationship with respect to the center rail.

The following references are relied on by the examiner:

Nepela et al. (Nepela)	5,359,480	Oct. 25, 1994 (filed Dec. 21, 1992)
Aizawa et al. (Aizawa) ¹ (Japanese Patent)	54008514	Jan. 22, 1979

Claims 1, 3, 4, 6 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nepela. Claims 1, 3, 4, 6, 11 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Aizawa.

¹ Our understanding of this reference is based upon a translation provided by the Scientific and Technical Information Center of the Patent and Trademark Office. A copy of the translation is enclosed with this decision.

Contrary to the view expressed by appellant in the brief, claims 12 through 14 stand rejected under 35 U.S.C. § 103 as being obvious over either Nepela or Aizawa rather over than both of them together.

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

OPINION

We reverse both rejections under 35 U.S.C. § 102 and, consequently, the rejection under 35 U.S.C. § 103.

Briefly stated, independent claim 1 on appeal requires recitation of three rails: a center rail and a pair of side rails. We do not agree with the examiner's view expressed at page 3 of the final rejection as to this rejection and repeated in the answer that Nepela teaches and shows a center rail 20 as well as a pair of side rails. Figures 1, 1a and Figure 1b teach and show a center recessed portion 20 which is not a center rail as alleged by the examiner. There are, however, two side rails 16 and 18 which have respective outer and inner recesses 22, 24, 26 and 28. Therefore, we are in agreement with appellant's view expressed at pages 12 and 14 of the brief that Nepela does not disclose the use of a center rail. As such, the rejection of

independent claim 1 and its respective dependent claims 3, 4, 6 and 11 must be reversed.

In a corresponding manner then, the rejection of dependent claims 12 through 14 under 35 U.S.C. § 103 as being obvious over Nepela must also be reversed.

We also reverse the rejection of independent claims 1 and 15 on appeal as well as dependent claims 3, 4, 6 and 11 as being anticipated by Aizawa. Independent claim 15 is more specific than independent claim 1 but contains substantially identical common subject matter. As to this rejection, the pair of side rails are recited in claims 1 and 15 on appeal as "having regular rectangular shapes with straight parallel inner and outer side walls which extend along the full length of each side rails" with the further limitation "wherein said side rails have chamfer-like tapered portions."

At page 4 of the final rejection, the examiner regards element 4 as a center rail and elements 5a and 5b in Aizawa as comprising a pair of side rails in accordance with the requirements of independent claims 1 and 15 on appeal. The same view is expressed in the answer. There appears to be no dispute that element 4 comprises a center rail and elements 5a and 5b

comprise respective side rails in the embodiments shown in Figures 1, 2, 4 and 5 of Aizawa.

We reverse the rejection because we agree with appellant's view expressed at the bottom of page 18 of the brief that the faces 5a and 5b in Aizawa do not have any chamfer-like tapered portions. None are apparent from the inspection of these figures in Aizawa nor does the translation reflect any such discussion as well. Contrary to the examiner's views, as shown in each of Figures 1, 2, 4 and 5 the respective so-called side rails 5a and 5b do not appear to us to be tapered or gradually decreasing in width or thickness throughout their entire length and the written description of Aizawa does not suggest this as well. The variability of the angle **2** does not meet this limitation since this angle reflects the variability of the placement of the so-called side rails 5a and 5b with respect to the so-called center rail 4 on the surface of blocks 2/3 in these various embodiments. Additionally, the angle with which the so-called side rails 5a and 5b intersect the edge portions of the floating head 1 or the blocks 2/3 does not meet the limitation of a chamfer-like tapered portion.

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Therefore, we must reverse the rejection of independent claims 1 and 15 under 35 U.S.C. § 102 and the respective dependent claims 3, 4, 6 and 11.

Similarly, we must reverse the rejection of claims 12 through 14 under 35 U.S.C. § 103 as being obvious over Aizawa because the subject matter of parent independent claim 1 has not been shown to us to have been anticipated by Aizawa.

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In view of the foregoing, each of the rejections of various claims under 35 U.S.C. § 102 is reversed as well as the corresponding rejection of the various dependent claims under 35 U.S.C. § 103. As such, the decision of the examiner is reversed.

REVERSED

James D. Thomas)	
Administrative Patent Judge)	
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Kenneth W. Hairston)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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)	
Joseph F. Ruggiero)	
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