

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID T. WALTER, MILTON KEYNES,
SIMON P. DOMMETT and BARRY PEARSON

Appeal No. 98-0330
Application 08/256,949¹

ON BRIEF

Before CALVERT, COHEN and FRANKFORT, Administrative Patent Judges.

CALVERT, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 14, 18 to 22, 24 and 26, all of the claims remaining in the

¹Application for patent filed July 27, 1994. This application is a National Stage application under 35 USC § 371 of PCT/GB93/00284, filed February 11, 1993.

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application.

The appealed claims are drawn to a brake device, and a copy of them is presented in the appendix to appellants' brief.

The references applied in the final rejection are:

Meakin	2,510,125	Jun. 06, 1950
Schneider	4,982,736	Jan. 08, 1991
Pearson (European Patent)	EP 0 219,938	Apr. 29, 1987

Claims 14, 18 to 22, 24 and 26 stand finally rejected as unpatentable over Pearson in view of Meakin and Schneider, under 35 USC § 103.²

The examiner takes the position that it would have been obvious, in view of Meakin, to have utilized quick connectors instead of the flexible hoses (215) disclosed by Pearson, and, in view of Schneider, to have provided non-return valves

²This ground of rejection was set forth in the first Office action (Paper No. 6) but was not explicitly repeated in the final rejection (Paper No. 12). Nevertheless, appellants have responded to it in their brief, and it was evidently the examiner's intention to include it in the final rejection.

therein.³

After fully considering the record in light of the arguments presented in appellants' brief and the examiner's answer, we conclude that the appealed claims are patentable over the prior art applied in the first rejection.

We note initially that, as pointed out by appellants on page 10 of their brief, neither Pearson, Meakin nor "Schneider discloses or suggests an electrically powered cooling fan (as recited in claim 21) or electrically energizable cooling means (as recited in claim 26). The rejection of claims 21, 22 and 26 therefor cannot be sustained.

Turning to independent claims 14 and 24, we agree with appellants that even if the references were combined, they would not meet the claimed structure. Meakin discloses a connector for fluid lines which the block 6 containing the sockets 5 may be attached to a fix member, such as a panel or bulkhead (col. 4, lines 44 to 48), while the block 1

³Since appellants are no longer claiming non-return valves, Schneider would appear to be superfluous, but we have still considered it in reaching our decision herein.

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containing mating plugs 4 is attached to the ends of the fluid lines (hoses) 41. The connector is uncoupled by jerking on the hoses 41 (col. 5, lines 8 to 12). Since Meakin's connector is disclosed as being between hoses 41 and fixed conduits 8, we do not consider that one of ordinary skill would have found it obvious to utilize the Meakin connector instead of Pearson's hoses 215, as proposed by the examiner, but if anything would have used the Meakin apparatus to connect Pearson's hoses 215 to manifold 210. The resulting structure would not respond to all the limitations of independent claims 14 and 24, however, because relative displacement of the two halves 2, 4 of the Pearson housing would not effect disconnection of the braking means 220 from the pressure fluid connection element 210 (claim 14), and the plug member would be on the hose rather than on the front housing 2 (claim 24).

The Schneider patent does not supply the deficiencies noted with regard to Meakin.

Accordingly, the rejection of independent claims 14 and 24, and of claims 18 to 22 and 26 dependent thereon, will not be sustained.

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Conclusion

The examiner's decision to reject claims 14, 18 to 22, 24
and 26 is reversed.

REVERSED

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

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